

**PLAN COMMISSION
VILLAGE OF DEERFIELD
Minutes**

The Plan Commission of the Village of Deerfield called to order a Public Hearing Meeting at 7:30 P.M. on October 27, 2022 at Deerfield Village Hall.

Present were: Al Bromberg, Chair
Lisa Crist
Bill Keefe
Sara Lubezny
Blake Schulman

Absent were: Jennifer Goldstone
Kenneth Stolman

Also present: Dan Nakahara, Planner
Ben Schuster, Village Attorney

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 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)

Chair Bromberg asked for proof of publication and certified mailing. Mr. Nakahara reported that the notice was published in the Deerfield Review on October 6, 2022. And certified mailing receipts were provided by the petitioner.

Chair Bromberg reported that he understands there have been some changes to the development since packet submission so the Commission does not have the complete set of plans and therefore will not vote on this item at this meeting. However, the petitioner will present the plan and the Commission will take public comment. This agenda item is expected to be continued. Mr. Nakahara added that the petitioner is currently revising their site plan. Their original plan was to move the south driveway on Waukegan Road to the southeast corner, and the petitioner now plans to relocate the access drive more north. A revised site plan has not been received.

The petitioner 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 are seeking to bring a location to Deerfield.

Mr. Goltz reported that the site plan changes are limited and have occurred because they uncovered an easement at the southeastern corner of the property. There is a Village of Deerfield sign and two large evergreen trees in the easement and just outside of the easement in the sidewalk is a ComEd utility pole. So they now plan on shifting the access point to the north. In doing this they are not changing the flow of the site or the access. The drive-thru and building configuration will stay the same.

Mr. Goltz stated that the site is currently vacant and they are working with the current ownership on plans to reactive this site and bring plans for a new Shake Shack forward to benefit the community. They have a signed lease with Shake Shack restaurants, and this would be one of the first of their new prototype restaurants in the Midwest and first on the North Shore.

Mr. Goltz showed the proposed site plan. The new building is planned to be in approximately the same location as the existing building. This project will entail tearing down the existing building. The access point as noted is currently shown further near the southeast corner of the property. In that area there is an easement with a Village of Deerfield sign next to the fire station property. It will be kept in place along with a large evergreen tree and they will shift the access driveway thirty feet to the north. The new building will be 3,500 square feet, which is slightly smaller than the existing 5,000 square foot building. They will have parking on site for all patrons and employees, and will have a drive-thru to accommodate over 20 cars. The images are shown with all vehicles in the drive-thru lanes to show the capacity although it is not expected to have that many vehicles at once. The image is meant to show that the vehicle will not spill over into the street or another property. There will be double drive-thru lanes for a portion, with one pick up window on the building. Access will be maintained on Waukegan Road as well as an access point on Central Avenue, and traffic will flow through similarly to how it flowed for the former Rosebud restaurant.

Mr. Goltz showed the interior floor plan of the building. He pointed out the seating area, covered patio outside, back of house operations, kitchen, and the area that will be used for the drive-thru. He also showed the roof plan stating that all mechanical equipment will be screened by the parapet wall. Mr. Goltz showed the outdoor seating area, commenting that there will be 9 tables that will seat approximately 20-30 people. Mr. Goltz next showed images of the exterior elevations and 3D renderings from different perspectives including the streets and neighboring properties. He also commented that the existing building is 30 percent larger than what is being proposed.

Chair Bromberg asked if moving the access point 30 feet north will have any impact on the number of parking spaces. Mr. Goltz replied that they may lose two spaces and they are looking at where to relocate these. The Appearance Review Commission (ARC) suggested that they relocate the trash enclosure to offset the parking spaces. Chair Bromberg asked if IDOT needs to approve moving the access point as Waukegan Road is a state road. Mr. Goltz replied that yes, as this project is on Waukegan Road, IDOT will have input and discretion on where the access point will be. They are seeking to move the access point further south from its current location to increase the distance to Central Avenue.

Mr. Goltz reviewed the photometric and landscaping plans. There will be a new monument sign at the entrance. All lighting will have zero spillover and will be contained on the property with nothing that will overreach to neighboring properties. All lights will be new LED lights. Mr. Goltz showed the overall landscape plan stating that a great deal will be added and they will maintain as much as possible. He added that the south corner adjacent to fire station has some existing

landscaping. New trees will be added along the street and every aspect will have buffering with landscaping. Mr. Goltz showed the trash enclosure which will be totally enclosed, screened, and sealed for odors and sound. Mr. Goltz showed images of Shake Shack signage that has gone through ARC review including the drive-thru sign, menu board, directional signage and clearance bar for the drive-thru canopy.

Mr. Goltz concluded his presentation and commented that Shake Shack is very excited to come to Deerfield. He added that this location was deemed a great fit and pending all approvals they would break ground early 2023 and plan to open in fall 2023.

Chair Bromberg asked if there is anyone here from Shake Shack or their traffic consultant in attendance. Mr. Goltz replied that the traffic consultant was unable to make this meeting but will be at the continuation, and there is no Shake Shack corporate representative in attendance.

Chair Bromberg asked for comments from the Commissioners.

Commissioner Crist commented that the landscaping plan's southwest corner shows shrubs, although the key shows evergreen trees that are 6 to 8 feet in height. She asked if the southwest corner can be more visually blocked with taller trees. Mr. Goltz replied that he unsure what is planned for that corner in the landscape plan. He commented that there is vegetation outside of the site and this corner is already heavily landscaped. He added that they will look at this corner to make sure it is heavily screened with tall and thick vegetation and clarify this at the next meeting. Chair Bromberg suggested having the landscape architect present for the next meeting.

Commissioner Schulman asked Mr. Goltz to confirm the hours of operation. Mr. Goltz replied that the proposed hours are 10 A.M. to 11 P.M. seven days a week. Although this could shift if certain times are not busy enough, but it would be no earlier or later.

Commissioner Lubezny asked what the traffic impact will be of shifting the access on Waukegan Road. Mr. Goltz replied that it was planned to be moved south before they understood the easement existed, but the new change will not materially change the flow or access. He added that IDOT will make the determination for Waukegan Road and if it will be right turn out only or if full access will be allowed. The existing access has been full access and they are proposing the same. IDOT could also possibly determine that a left turn out could be limited to certain hours. But at present, the site has operated as a restaurant and has had full access. Commissioner Lubezny noted that the previous uses did not have a drive-thru which will generate more traffic in and out. Mr. Goltz replied that the drive-thru traffic will get dispersed and there is another access point on Central Avenue.

Commissioner Schulman commented that if IDOT wants a right turn only onto Waukegan Road, this would cause more traffic on Central Avenue. Mr. Goltz stated that they looked into this, and if the left turn out is limited, Central Avenue could possibly be widened at some point in the future to allow for a second lane, but this would be up to the Village if deemed necessary. Commissioner Schulman asked if the drive-thru stacking and operations could be moved closer to the footprint of the building instead of wrapping by the southwest corner, closer to neighbors. Mr. Goltz replied that where it is now maximizes parking and stacking and makes it so that drive-thru traffic does not bleed into anything else or interfere with cars in parking lot. He added that they would not expect it to ever come near this full as shown, and this location is best to create a simple turn and not have people cross parking to get to the drive-thru.

Chair Bromberg asked the petitioner about the process for IDOT approval. Mr. Goltz stated that they will submit the site plan and application to IDOT after it is approved by the Village. He added that they believe they have a strong case to keep the driveway full access but IDOT will review the information submitted and make that determination.

Commissioner Keefe commented that the drive-thru has the potential to stack 23 cars, however their analysis states that 95% of peak would be 7 to 8 vehicles. He asked how they determined the potential number of cars in the drive-thru lanes at peak periods. Mr. Goltz replied that KLOA used Shake Shack data from other markets and sites to determine the peak based on this live data. Commissioner Keefe asked why there is space for 23 cars to be stacked if 7 to 8 is 95% of peak. Mr. Goltz replied that they never expect to have that many cars stacking and this is just to show the vehicle capacity in the drive-thru lane. He stated that drive-thrus have become much more popular post-Covid and the trend is for businesses to scale down indoor dining and expand drive-thrus. He noted that the drive-thru lane is not expected to have 23 cars stacked at once, but could be possible. He stated that the plans are meant to show adequate space to not interfere with parking, traffic or neighbors. Commissioner Keefe asked how this compares to the Vernon Hills location. Mr. Goltz replied that Vernon Hills is part of a larger development and is a similar size building but there was no drive-thru when developed as it was designed several years ago. Moving forward this design is the Shake Shack prototype and all plan to have drive-thrus if possible. He added that there is Shake Shack opening soon in Oak Lawn with a drive-thru and there will be more data as more open. Commissioner Keefe suggested that this data be shared at the next meeting to justify the information they are providing, and as of right now it is a conclusion without showing the basis for it. Commissioner Keefe also asked that trip generation estimates be shared relative to traffic on Waukegan Road and Central Avenue. Mr. Goltz replied that they can share this, as well and added that the consensus is that nearly all traffic is already existing on the roadways and this use will not draw new people and the traffic is already there.

Commissioner Lubezny asked for more information about the double drive-thru lanes. Mr. Goltz replied that there are two lanes to accommodate more vehicles waiting but there is just one pick up window which will speed up the process. This way two cars can order at once and then proceed to pick up. In other locations it has helped reduce cars in the queue and shorten wait times.

Chair Bromberg commented that he would like more information on the impact of making left turns from Waukegan into the restaurant as there is no left turn lane. Mr. Goltz replied that traffic consultant KLOA will address this at the next meeting.

Chair Bromberg also asked for more information on the sound level of the menu boards. Mr. Goltz replied that the decibel level of the menu boards is conversation level and can usually only be heard within 30 feet, and any residential is further away than that. The menu boards have a decibel level of 54, conversation is 60 decibels, a dishwasher is 50, and a vacuum cleaner is 70. He stated that ambient noise from cars on Waukegan Road would be louder than the menu boards. He added that this technology has much improved over the past 20 years.

Chair Bromberg commented that the ARC had some concerns on the plans. Mr. Nakahara reported that the petitioners were before the ARC once so far and will return. The ARC had concerns relative to signage and building materials. Mr. Goltz stated that they plan to swap out materials and keep signs within code regulations and will continue to work with the ARC.

Chair Bromberg asked about alcohol sales. Mr. Goltz reported that it will be limited to beer and wine and will follow all Village and State liquor license laws, which will dictate hours and outdoor seating regulations. Chair Bromberg confirmed that there is no table service. Mr. Goltz replied that it is all counter service, just like how Chipotle has beer and wine for sale at the counter. He added that it is a very small percentage of overall sales. Commissioner Crist confirmed that the patio is accessible from outside and inside.

There were no further comments from the Commissioners.

Chair Bromberg opened public comment on this matter. He stated that the Coromandel Homeowners' Association has an attorney present representing them and while public comment is typically limited to three minutes per person, they will allow more time for the attorney as he is representing many residents. However, all other public comment will be limited to three minutes.

Adam Glaser, Attorney representing the Coromandel Homeowners' Association addressed the Commission. Mr. Glaser stated that he was impressed by much of what he heard from the petitioner. However he did not hear anything about the neighbors or the impact that this use might have on them. There was also no acknowledgement that this property abuts residents and the impact of the drive-thru on this. He stated that he understands that the developer will submit a revised site plan, and perhaps some of this information will be in the next version. Mr. Glaser stated that with respect to the drive-thru, it is oriented toward the southwest closest to Coromandel residents. He commented that the drive-thru could be changed and oriented away from the neighbors, rather than directly in front of them. Regarding menu board sound and decibel level, he feels that these menu boards can be very loud and this was understated. He has great concern about the sound system as well as the sound of cars idling and car horns. As there could be 23 car engines idling at the same time in the drive-thru lanes, sometimes until 11 P.M at night. He added that patrons at the late hours could also be very loud, and this will be very difficult for the neighbors. He would like for the orientation of the drive-thru to be looked at again. And regarding the traffic impact statement, Waukegan Road and Central Avenue are already very busy and he finds it difficult to believe that this use will have a minimal impact. He would like to respectfully request to get an independent traffic study rather than accept the study presented by the petitioner. He believes that this makes good sense in this case in light of current traffic conditions and that there could be 140 transactions per hour. He stated that he asks that an independent study be commissioned to compare.

Mr. Glaser stated that additional disruptions will be caused by alcohol being served until 11 P.M. at night, as well as deliveries and trucks before 10 A.M. in the morning. Trucks and deliveries will directly impact the neighbors, and this must be considered. Mr. Glaser also commented on the possible impact this may have on the Fire Department next door, as they have not heard anything about this. He also asked about the landscaping in the southwest corner and stated that this should have been top of mind and there has to be buffering for neighbors as a protection against a drive-thru that allows for 23 cars. Mr. Glaser stated that the comment that Central Avenue may have to be widened and taxpayers and the Village would have to pay for this does not seem right and this needs to be part of the petitioners' plans if it is necessary. Mr. Glaser commented that Shake Shack is a very exciting restaurant and it reminds him of Portillo's, which no one foresaw the level of popularity that it would become. He commented that this could happen with Shake Shack as there is not another location in the area. He suspects it will be immensely popular, so the Commission must ask if it belongs here and if this location is right. Portillo's has no residences nearby. This is an already busy area and next to the Fire

Department, with the potential for 140 transactions per hour without buffering in the back, with a drive-thru oriented right in front residents. Regarding the Special Use criteria, he asks the Commission to consider the effect on the neighborhood. He believes this will diminish or impair property values in the surrounding area as well as negatively impact the welfare of the public. He also believes it is not compatible with the existing developments in the neighborhood, as a fast food restaurant is a different direction. Mr. Glaser concluded stating that many residents submitted letters explaining their concerns and many will also speak.

Mr. Nakahara confirmed that emails and letters have been received, and all were shared with the Plan Commission and made available on the Village website.

David Levine of 540 South Commons stated that he has difficulty now turning left onto Central as there is a large pillar and obstructed views because of the cemetery. This will make it more difficult, and he cannot imagine what it will be like with more cars due to this development.

Leslie Loughnane of 538 Milford commented that a few years ago there was robbery in the daytime of a townhome very close to this site. It had been suggested that somebody may have been watching the home from the area behind Rosebud and this is very concerning. She stated that it is a very quiet neighborhood, and this will impact that. She also commented that there is a park area in Coromandel and Shake Shack customers may take there their food there for a picnic. Although it is private property, this may not be known. And she can only imagine the litter this would create. She is also very concerned about traffic as some days it is already bumper to bumper on Waukegan Road.

Frank Glickman of 431 Kelburn stated that he is on the Coromandel HOA Board and represents all 400 units. He stated that he has attended many Village meetings over the years, and this is the first time that he has ever come to object to something. He commented that of four different Shake Shack restaurants in Schaumburg, Oak Brook, Skokie, and Vernon Hills, all are in shopping centers and not on arterial streets like this would be. It blows his mind that Deerfield would even contemplate putting this type of fast food restaurant along an arterial street. He also asked if it is going to be a corporate-owned restaurant or licensed-owned. He added that Shake Shack is a NYSE listed company with the goal of profits and how earnings per share are affected. There have been two failed restaurants on this site and he is concerned that a corporation concerned with profits could shut it down if they don't like the results and then there is a vacant site once again.

Barry Cherney of 497 Milford commented that he is disappointed that a fast food place is coming to their neighborhood. It is an upscale area with very nice homes and pride in the community, and this doesn't seem to be a right fit. He was happy with the Rosebud restaurant; however the goal of this development seems to be revenues over quality of life and safety. He commented that safety has not been discussed enough. He is concerned about people exiting to turn left out or in with the fire station next door. When they come out with their emergency vehicles and there are cars in the lane ahead of them, this could cause delays in response times. He commented that Coromandel is mostly seniors, and this could bring a different demographic of young people to the neighborhood. Younger people will be eating, drinking and driving, and he is concerned about safety and the potential for accidents, as well as the delay for emergency vehicles which could result in possible loss of life. He cannot imagine how cars will get in and out with a drive-thru without affecting the access of emergency vehicles. He also feels that a fast food place will change the complexion of the neighborhood. There are high-end units and the property values will go down. They already have litter from McDonald's down the

street and do not want any more. This is not the downtown district, and he is not happy with the drive-thru, because of safety issues. He hopes the Commission will take this into consideration because he feels it is an accident waiting to happen.

Andrew Marwick of 442 Kelburn commented that the hours, alcohol sales, and outdoor seating cause no issue for him, as these were also all present with Rosebud. The biggest difference is the new drive-thru. There will be headlights that will shine directly towards Coromandel. Another issue is safety and cars turning in and out. Someone may miss their turn and go right through the vegetation and end up on Milford Road. He is concerned about cars idling while placing orders and the disruption this will cause. He commented that paddle tennis and outdoor seating are one thing, but a drive-thru is very different. He is also concerned about the safety issue of cars backing up in front of the fire station. And even if there were no left turn signs, people often ignore them and it would be difficult to enforce. He stated that Chick-fil-A is the only other drive-thru in Deerfield with no signalized intersection, and there have already been several accidents. He commented that fast food inside service has deteriorated and these types of places are pushing food through the drive-thru. And the drive-thru is why he is opposing this development in this location. He believes it is detrimental to the area, and there are no other drive-thru restaurants in the Village center area. He does not think this should be the first. This is downtown, transit-oriented development area in walking distance to the train station, and it should be a walkable community. He does not believe that Deerfield should be the guinea pigs with a new Shake Shack drive-thru as it is still a new concept to Shake Shack.

Phil Fine of 392 Milford stated that he is the President of the Coromandel Homeowners' Association. He represents 1,000 residents, and their voice is no, do not approve the drive-thru. He stated that this should not happen and will totally change the character of the neighborhood. He is also concerned about safety and cars turning left in and out of the site and affect it will have on Central Avenue. Also, the drive-thru will be right behind houses in Coromandel which is terrible. He stated that if a drive-thru is allowed, it should be reconfigured. And safety is a big issue. He is concerned about high school kids going at night and possibly drinking there. He is also concerned about Fire Department operations and is not sure why they haven't weighed in as possibly delays in response times is a big deal. Mr. Fine urged the Commission not to approve this development with the drive-thru. He added that he also submitted a petition opposing this with many signatures.

Beryl Cherney of 497 Milford commented that her concerns are that there will be more traffic in the area which decreases safety and makes it noisier and busier. Waukegan Road is already very busy, and during mealtimes it will be even more so with the drive-thru. She is also concerned about Fire Department efforts and how this could hinder their operations. She commented that there will be more noise and litter in the area, which has been proven with Chick-fil-A. She stated that Bakers Square and Rosebud were sit down restaurants and another one like that would be a welcome addition, but a drive-thru is not, especially with alcohol being served. She is also concerned about deliveries and loading late at night or early in the morning. She commented that although Shake Shack would be a fun place with widespread appeal, she worries it will draw too many people. And lastly, she stated that she hopes that the Commission takes all opinions into consideration. People that live in Deerfield have pride and a love for the community far beyond their home investments.

Ruth Parciak of 737 Central Avenue stated that she is on the Row Homes of South Commons Homeowners' Association Board. She stated that she agrees with all previous speakers. And she would like to add that this proposal does not seem to meet the Special Use criteria. She

also added that there is a cemetery next to this location that dates back to the 1860s. And a drive-thru next to a historic cemetery is not a good fit. She also believes it will negatively impact Renu Day Spa and this impact may not have been taken into account. Additionally, One Deerfield Place has an older residents and lots of visitors which would also be impacted by traffic. She commented that they had issues with Rosebud with litter and cars double parked on their street. The Village took care of it, but it took time. And she fears that this will happen again.

Jim Landbaker of 382 Milford stated that he agreed with everything said so far and commented that Deerbrook Mall would be a better location.

Jacem Wojnarski of Renu Day Spa at 617 Central Avenue stated that they are a direct neighbor of this proposed development. Looking at the plans, he is most concerned about the drive-thru. According to plan, part of the grass on the border of their property is going to be removed to accommodate a line of cars, which will be around five yards from their windows. They operate a day spa with massages, facials and other services. Their customers are looking for a relaxing experience and having over 20 cars waiting in a drive-thru line will be disturbing and will have a negative impact on the quality of their services. Also, the location of the trash is very close to their property and will have a negative impact on them. Also, according to the landscape plan, in the northwest corner by the entrance from Central Avenue, there appears to be two or three trees which would cover their signage and hide their property from being visible from Waukegan Road. He added that he also agrees with residents who have spoken.

Steve Berger of 743 Central Avenue commented that Rosebud was a sit down restaurant, and this is fast food which can generate far more cars than Waukegan and Central can handle.

Felix Moran of 731 Central Avenue commented that the staff memo mentioned an ordinance from 1993 comparing a bank drive-thru to this, which is comparing apples to oranges because they are so different. The traffic at a bank drive-thru is minimal compared to a fast food drive-thru. He stated that he believes this does not belong in this location. The acute angle of Central into Waukegan Road is not conducive to any turns, right or left. Central Avenue is an already busy area and adding traffic and deliveries for this use would not work especially with the semis bringing in the mail to the post office as well as the post office letter carrier vehicles. This development in the C-1 zoning district is not appropriate. He agreed that an independent traffic study should be commissioned to be unbiased. Mr. Moran commented that he is a civil engineer and a consultant and he will write whatever his clients ask him to write.

Tom Kalerik of 711 Central Avenue commented that he reviewed the summary on the website and looked at the Special Use criteria. He stated that the petitioners are looking for three exceptions; for the drive-thru, for not having enough parking, and for signage. And for the Special Use criteria, the proposal should be compatible with existing developments. He stated that this is not compatible with the drive-thru. He also believes there will not be enough parking. And there are already frequently cars parked along Central Avenue with staff and visitors to the senior facility. Additionally, a left turn to Central from Waukegan with the cemetery wall there is not always safe and this will make it worse with more traffic. There are also a lot of seniors who walk in the area, and he is concerned for their safety with more traffic. He stated that the additional traffic and safety issues will cause decreased property values.

Sylvia Dresser of 361 Kilburn commented that she has heard only reasons to not allow Shake Shack to move in here. No one has had a welcoming word and nothing positive, and she hopes the Commissioners listen and do not allow Shake Shack to develop there.

Peter Giegoldt of 546 South Commons commented that his concern is the traffic and the parking. Their development has a park and a fountain, and he is concerned people will find this, get their food and go sit by the fountain and leave trash. He commented that parking and traffic will be a nightmare. He suggested that the traffic consultant observe traffic at Central and Waukegan to see how busy it is.

Steve Stern of 502 Milford commented that he understands that IDOT rules on the access, and asked if residents have the ability to object to IDOT or share their opinions with them. He also asked if the Plan Commission can approve this contingent on IDOT or impose the regulation even if IDOT does not.

Mr. Nakahara stated that the Plan Commission can recommend approval contingent on IDOT approval, and can make a recommendation conditioned on full or partial access of the driveway. Chair Bromberg confirmed that the Village can make it more restrictive than IDOT but not less restrictive. Village Attorney Ben Schuster confirmed this. He stated that if anything changes after the site plan is approved, the petitioner would need to come back to Village to amend the Special Use.

Marina Swetin of 491 Milford stated that she used to own a business in Riverwoods at Deerfield Road and Milwaukee Avenue and when Panera Bread went in there, she watched an accident every day when customers would turn left onto Milwaukee, which not allowed but people ignored the signs and did any way. She is very concerned about the safety issue of this having seen it. She also shared that her car recently got egged by Deerfield High School students which was upsetting. And she feels this will attract more of that age group to their neighborhood and "kids will be kids".

Jun Nie of 621-623 Waukegan Road commented that he is concerned about the traffic as well as the garbage and the odors if it is only picked up once a week.

This concluded public comment. Chair Bromberg asked the petitioner to share his response to any comments made.

Mr. Goltz stated that he will try to address as many of the comments as he can. He commented that he would like to remind all that this is an existing restaurant space, and it has been marketed as a restaurant. It has previously had parking, trash and alcohol, as well as many former components that Shake Shack plans to bring back. It is will be a corporate Shake Shack location, the corporation is the one leasing the space, and it will be 5 to 6 million dollar investment in the property between the building, the site work and other improvements. The property owner has not historically had any complaints on trash, deliveries, and parking in over 30 years of use as a restaurant. Bakers Square had very early hours for deliveries and there were no complaints. Relative to concerns heard about the drive-thru, sound and lighting are often pointed out. Mr. Goltz stated that headlights will not be facing any residential. And added that they would be open to putting up a fence. He stated that there is 60 to 90 feet of dense landscaping at the southwest corner before you get to Coromandel. They want to be neighborly and respectful, and he assured that anything added on this site will not be visible to neighbors. There will be no lights shining through, and people will not be able to traverse through the landscaping to get to residential. Regarding concerns about Fire Department operations and access, Mr. Goltz stated that any project goes through their review and the Fire Department will look at the plans. He also pointed out that at this location, there is a stop light there just for

emergency vehicles. So that vehicles must stop when there is an emergency. Mr. Goltz also pointed out that while some vehicles will use Central to turn in, it will not cause traffic on Central west of the property. There would be no reason to go west unless they lived there. He added that they are sensitive to residents' concerns, and they believe that this site is most conducive for parking and is adequate and accessible as cars will not have to cross parking to get to the drive-thru. Other configurations looked at were more unsafe and would block parking and cause safety concerns. He stated that they will look at anything warranted by the Plan Commission and the Village Board. However, they do believe that this design considers safety in all forms. He concluded that this site has always been a restaurant, and it is a strong restaurant site and has been marketed for this use. The property being vacant is not good for the Village and it is important to make sure it gets redeveloped. Quick service dining and drive-thrus are trending upward and almost all new developments now have a component like this. Mr. Goltz stated that this will be a great addition to the community and will serve all age groups.

Chair Bromberg asked for comments from the Commissioners.

Commissioner Keefe commented that his main concern is the design of the drive-thru and how they determined what the peak stacking is, and what the basis is for this number. He commented that they can design it based on this, and unexpected conditions can occur and suddenly traffic can be backed up onto Central or other unforeseen circumstances. Mr. Goltz pointed out that Chick-fil-A has a drive-thru adjacent to residential on the west and the drive-thru board is 120 feet from nearest home, this is considerably further. He added that the capacity can accommodate up to 23 cars, but they never expect to see that many. Commissioner Keefe reiterated that he wants to know where this number came from. Mr. Goltz replied that the data is from other Shake Shack locations, and he can share this at the next meeting.

Commissioner Crist confirmed that the trash enclosure is completely enclosed. Mr. Goltz stated that it will be built with masonry and will be screened with landscaping and fully enclosed. He added that they are evaluating the location of it as the ARC wanted it closer to the building. Its current location is for the best location for truck access but is not as close to the building.

Commissioner Schulman commented that if he were to summarize the comments heard, the main themes were safety regarding traffic and noise with hours of operation. Those can be handled with code and regulations. And the traffic study will need to be reviewed by experts at the next meeting. He stated that they need to rely on IDOT and the traffic study to get a better handle on these concerns. Chair Bromberg stated that the petitioners have hired KLOA, a reputable firm who has testified in front of the Plan Commission many times. Chair Bromberg reported that they (Plan Commission) can also ask the petitioners to pay, and hire a firm of the Village's choice to do an independent study, if they feel there is value to that. Chair Bromberg agreed that KLOA needs to be at the next meeting. Commissioner Schulman agreed that KLOA is reputable, and their study will be sufficient. Commissioner Schulman added that there were some strong and weak arguments made, as this is similar to a new taco place in Deerfield that also serves alcohol, this location is just closer to residents. However, many concerns can be handled by Village restrictions on hours and noise. The site has been a restaurant with trash and deliveries. And traffic can already be bad at times in that area. And they will see if KLOA determines if this use will increase traffic or not. He added that he does have concern about Central Avenue, but this may be able to be handled with signage. He concluded that the petitioners would have to come back with more information.

Commissioner Lubezny stated that she would like to clarify the hours of operation as the materials stated 11 A.M. to 11 P.M. and the petitioner stated opening would be 10 A.M. Mr. Goltz clarified that they will want the flexibility to possibly open as early as 10 A.M. But it could be pushed back to 11 A.M. if they are not busy enough. Commissioner Lubezny commented that she is concerned with how late it will be opened and the effect on residents. Mr. Goltz stated that they want the ability to stay open until 11 P.M. but may close earlier if the business is not there at that hour.

Commissioner Crist asked the petitioner to clarify his comments on widening Central Avenue. Mr. Goltz stated that he had heard of previous complaints about flow of traffic on Central Avenue, regardless of this development. And that there is space there if the Village ever desired add an extra turn lane. He stated that their traffic study suggests that they do not need to widen Central. He reiterated that this condition exists today with the site vacant, and the area is already busy and congested which is the nature of Waukegan Road. He stated that their traffic study will show how this operation will impact existing traffic. Mr. Goltz also stated that the trees on the property line are existing, and they are happy to work with all adjacent residents to determine the best landscaping to be aesthetically pleasing and provide screening. They plan to keep the large existing trees.

Chair Bromberg asked how often garbage will be picked up. Mr. Goltz replied that usually garbage is picked up 2 to 3 times a week and he will find out for the next meeting. Chair Bromberg commented that he agrees that there is a lot of natural buffering in the southwest corner but also urged the petitioner to look at this again. Mr. Goltz reiterated that they can put a fence up if desired by the Village or the neighbors. Chair Bromberg also commented that he parked near the McDonald's menu board to see how loud it was, and at 15 feet away it could barely be heard, and he is not concerned about the sound from the menu boards. Chair Bromberg also stated that for any development, the Fire Department determines if access for emergency vehicles is sufficient. In this case they can also review if this use will affect their operations. Mr. Nakahara reported that the Police Department shared that there have been no accidents at the full access point (on Waukegan Road) for Chick-fil-A on Waukegan Road over the last two year.

Commissioner Crist moved, seconded by Commissioner Schulman, to continue this matter to December 8, 2022. The motion passed with the following vote.

Ayes: Crist, Lubezny, Keefe, Schulman, Bromberg (5)

Nays: None (0)

Mr. Nakahara reported that this Public Hearing will be continued to the December 8, 2022 Plan Commission meeting.

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

Mr. Nakahara reported that the public notice for this matter was published in the Deerfield Review on October 6, 2022.

Liz Delevitt, Village of Deerfield Planning and Design Specialist and Staff Liaison to the ARC, addressed the Commission. She reported that she reviewed this request at the Prefiling Conference for this matter and there are no changes to the request. She stated that the ARC is

requesting a text amendment to the Deerfield Zoning Ordinances to increase the maximum distance between two sign faces for a ground sign, which is currently maxed out at 12 inches. She shared that after the ARC has seen many petitioners request for a greater distance between sign faces and the ARC would like to increase the maximum distance between two sign faces to 18 inches. The reason for this is because the structural and lighting elements of a sign at 12 inches can get too compact and cause hot spots in the lighting. Many petitioners come before the ARC and when they are told it has to be 12 inches, and it will take 3 to 4 months to receive an exception for this due to the time frame of Plan Commission and Village Board approvals, they often squeeze it into 12 inches and end up with a sub-par sign. She added that if it ever needs to be greater than 18 inches, a petitioner can still seek an exception. She stated that the ARC would like to keep a restriction in place for consistency.

Commissioner Schulman moved, seconded by Commissioner Crist to recommend approval of the request for a text amendment to the Deerfield Zoning Ordinance to increase the depth (distance between sign faces) of a ground sign. The motion passed with the following vote.

Ayes: Crist, Lubezny, Keefe, Schulman, Bromberg (5)

Nays: None (0)

DOCUMENT APPROVAL

1. October 13, 2022 Plan Commission Minutes

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

Items from the Staff

Mr. Nakahara reported that the next meeting will be November 10, 2022 for one Prefiling Conference item.

Items from the Commission

Chair Bromberg stated that the Deerfield Town Hall Meeting will be held on November 15, 2022 at 7 P.M. at Caruso Middle School. This is the meeting where the Village Caucus slate is selected to run for Trustee positions in the April 2023 election. The caucus candidates will make statements and answer questions and the caucus slate will be voted upon.

Adjournment

There being no further discussion, Commissioner Schulman moved, seconded by Commissioner Crist to adjourn the meeting at 9:25 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,
Laura Boll