

PLAN COMMISSION
VILLAGE OF DEERFIELD

The Plan Commission of the Village of Deerfield held a Workshop Meeting at 7:30 P.M. on June 9, 2016 at the Village Hall, 850 Waukegan Road, Deerfield, Illinois.

Present were: Mary Oppenheim, Chairperson
Elaine Jacoby
Jim Moyer
Stuart Shayman

Absent were: Bob Benton
Larry Berg
Al Bromberg

Also present: Jeff Ryckaert, Principal Planner
Dan Nakahara, Associate Planner

(1a) Discussion of recommendation for a Resubdivision of 1144, 1122 and 1110 Oakley Avenue

The Plan Commission did not find any issues with the proposed resubdivision as there were no variations being requested and the consolidation met all of the requirements of the Zoning Ordinance and Subdivision Code.

Commissioner Jacoby motioned to approve the request for a Resubdivision of 1144, 1122 and 1110 Oakley Avenue into one lot. Commissioner Shayman seconded the motion. The vote was as follows:

Ayes: (4) Jacoby, Moyer, Shayman, Oppenheim
Nays: (0) None

The motions passed and this item will be on the July 5th Village Board of Trustees Meeting agenda.

(2a) Prefiling Conference: Possible Changes to the C-1 Village Center Zoning District to Update Permitted and Special Uses

Mr. Jeff Ryckaert, Principal Planner with the Village of Deerfield, explained that the Village is undertaking a comprehensive update of the C-1 Village Center District, similar to the C-2 Outlying Commercial Zoning District update from a few years ago. In the C-1 Village Center Zoning District, the first floor retail ordinance has been in place since 1989 and allows for only retail businesses to locate on the first floor of the C-1 District.

Mr. Ryckaert explained other non-retail uses including Class A Special Uses such as office uses, beauty shops, dry cleaners, real estate offices, as well as Class B Special Uses such as restaurants, grocery stores, automobile service stations have to obtain a Special Use permit because of their potential impacts. The Class B Special Uses are Special Uses in all locations, while Class A Special Uses are Special Uses that may be permitted on the first floor; however, if a Class A Special Use is located above the ground floor it is considered a Permitted Use.

Mr. Ryckaert noted that when the Village first put the first floor retail ordinance into place nearly 27 years ago, it was a good concept with the intent to create a shopping environment in the downtown where a customer could walk from shop to shop. Retail stores also generate sales tax revenue for the Village. However, as trends in retailing are changing, this is a good time to take a look at the first floor retail ordinance. Mr. Ryckaert commented that there has been a change in buying patterns with online shopping (the Amazon effect), and a recent research article stated that more consumers would rather spend their money on eating out at a restaurant or on a vacation rather than buying goods such as clothing. The changing trends in retailing have affected the Deerfield Community first hand, as the national fashion retailers are reducing the number of their stores, and book stores, electronics stores and toy stores are slowly disappearing.

For the C-1 Village Center Zoning District update, the Plan Commission will be reviewing Text Amendments for: new Permitted Uses, new Class A Special Uses, and new Class B Special Uses that could be added to the C-1 Village Center Zoning District. The proposed updates also include some wording (text) changes to existing categories to better reflect today's uses. The Plan Commission will also be reviewing the existing Special Uses that could possibly be changed to a Permitted Uses. For example, smaller restaurants (under 3,000 square feet including the outdoor seating area, but not including a drive-thru operations) could become a Permitted Use as there may not be a need for the Village to review that size of a restaurant. He noted that there are some smaller office and service uses (maybe under 1,500 square feet) that could possibly become Permitted Uses. Staff has summarized these potential changes in a memo that was distributed prior to the meetings, along with a map of all properties in the Village Center, and the size of various businesses in the C-1 Village Center District.

The timing of the review of the C-1 Village Center Zoning District coincides with the recent Special Use approvals for the 2,600 sq. ft. Roti Modern Mediterranean Restaurant (including outdoor seating area), and the 250 sq. ft. outdoor seating area for Menchie's Frozen Yogurt store. Both Roti Modern Mediterranean Restaurant and Menchie's Frozen Yogurt are in the C-1 Village Center District, and staff has written the text amendments so that both can go into this zoning district as Permitted Uses.

Mr. Ryckaert noted that once the Plan Commission has completed their review of the C-1 Village Center in the workshop meetings, the property owners in the C-1 Village Center District will receive notification of a Public Hearing on this subject so they can

comment on and provide the Plan Commission input and reaction to any of the proposed changes to the C-1 District. The Plan Commission will also review the C-3 Limited Commercial Office District for possible changes. There is only one property in the C-3 Limited Commercial Office Zoning District.

Chairperson Oppenheim commented that the Plan Commission would need to evaluate and determine if it still makes sense to keep the first floor retail requirement for the C-1 Village Center District. Research articles and retail tenant turnover in the Village and surrounding areas suggests the reality of the changing trends in retailing, and the possible need to be more flexible about allowing businesses on the first floor of the C-1 District that are not specifically retail uses. Mr. Ryckaert commented that the idea behind the review is to possibly open up the first floor to smaller non-retail uses, including smaller restaurants (which still generate sales tax for the Village) of up to 3000 sq. ft., as well as smaller office uses of up to 1500 sq. ft. as Permitted Uses. The thought is that the smaller sized restaurants and offices could locate into the C-1 District without having an increased impact on the traffic in the area. Mr. Ryckaert said the International Council of Shopping Centers (ICSC) has retailer fact sheets showing a lot of the fast casual restaurant are smaller in size, under the 3,000 square feet the Village is considering as the threshold for a Permitted Use for a restaurant.

Chairperson Oppenheim commented that their main objective should be to still keep the pedestrian friendly shopping plaza feel that was the original intent of this district. She added that possible changes to the C-1 Village Center District makes a lot of sense with modern consumer demands, and the proposed changes presented by the Village reflect that philosophy.

Commissioner Shayman asked if it is decided to open up the first floor to non-retail uses as Permitted Uses, would it also open up the possible risk of a business taking a building in the C-1 District and cutting it up into multiple 1500 sq. ft. office spaces. Chairperson Oppenheim inquired if his fear was that buildings in the C-1 District would be transformed into office spaces, causing the Village to lose the opportunity for a large retail space, as the original goal of the C-1 District was to maintain a pedestrian friendly shopping center. Mr. Ryckaert confirmed that there is a chance of that happening if the Village decided to allow offices of up to 1500 sq. ft. in the C-1 District as Permitted Uses on the first floor. The 1500 sq. ft. office as a Permitted Use was a number for discussion. He noted that a small office in the C-1 District is Senator Morrison's at 1,200 sq. ft. office space. It was noted that many of the first floor Deerfield Square tenant spaces are slightly larger than 1500 sq. ft. in a couple of the building with deep spaces. The property owners in the C-1 Village District are also going to receive an opportunity to voice their opinions on the potential changes to the District, and may ask for office spaces to be allowed as a Permitted Use in tenant spaces larger than 1500 sq. ft. on the first floor.

Chairperson Oppenheim commented that the vacancy rate for the Village Center is still relatively low, and it's lower on the first floor, than the combined first floor and above.

Mr. Ryckaert commented that there is still a major vacancy on the second floor of Deerfield Center in the space that Prime Source once occupied. The 636 Deerfield Road Building in Shopper's Court is also currently being transformed into a multi-tenant building where first floor retail spaces are going to be available. Commissioner Moyer commented that the days of the brick and mortar are declining, and that catering to services such as food appears to be the logical and smart choice to move towards. Mr. Ryckaert commented that food services are also valuable tenants to have in the C-1 Village Center District, as they generate customers and sales tax revenue for the Village. Chairperson Oppenheim pointed out that the Village would not be giving up sales tax to allow food services, and if the reality is that the types of business that want to move into the Village Center District are food services, then it would be a win-win situation. Based on residents' comments to the Plan Commission and the Village, there also appears to be a demand for more restaurants in town by our residents. Mr. Ryckaert added that Deerfield has a large daytime population with all of the office buildings in the area. Chairperson Oppenheim commented that there is a big lunch and early dinner crowd made up of people working in the area.

Mr. Ryckaert commented that one of the major issues when reviewing the uses is the parking situation, as restaurants (especially during peak times, such as lunch and dinner) could be parking intensive. Based on the size of various parking lots in the C-1 District, some properties are going to have a better parking situation than others; therefore, landlords would need to forecast the parking demands and traffic impact that a given tenant would have on their property. If a landlord rented to a tenant that took up too much parking, tenants would contact their landlord about parking that is impacting their business. Commissioner Moyer commented that petitioners currently provide traffic impact reports to the Plan Commission. Chairperson Oppenheim commented that any Permitted Uses would not come through the Plan Commission, so if small restaurants (up to 3000 sq. ft.) became a Permitted Use rather than a Special Use, the tenant would no longer need to apply for a Special Use Permit. Commissioner Jacoby commented that any savvy business owner can assess the parking situation on their own and determine if it's a viable use. She added that restaurants and businesses are financial investments and business and property owners interested in obtaining a tenant space as a Permitted Use, should be aware that it's their responsibility to think through the parking demands of their customers, and the traffic impact that their business and surrounding businesses have on the area and the development.

Chairperson Oppenheim commented that the parking spaces in Village Square were predicated on the initial retail zoning that was determined for the uses, and the assumption for that shopping center was that there would not be an abundance of restaurants. Mr. Ryckaert used the Deerfield Square as an example with parking at 5 spaces per 1,000 square feet of floor area and said the number of parking spaces in the development was based on a shared parking concept with the thought that retail would be busier during the day and restaurants would be busier in the evening (the different uses have varying peak parking times). Chairperson Oppenheim commented that the mixed use for the shopping centers was essential to the flow of traffic, with businesses

parking demands varying based on the time of the day, and the type of business. Chairperson Oppenheim pointed out that it's important to consider the effects that allowing new Permitted Uses into the C-1 District may have on the traffic impact and parking demand, as the tenant would no longer be required to provide a traffic study to the Plan Commission, and the landlord or owner may not fully consider the effects that a particular tenant may have on the shopping center as a whole.

Commissioner Shayman asked that if a business wanted to build a restaurant in the C-1 Village Center District, would they be required to provide a certain amount of parking. Mr. Ryckaert explained that if the restaurant was a Permitted Use and going into an existing building, then the tenants/owners would not be required to provide additional parking. However, if you are constructing a new building on their property to allow for a new restaurant then an amendment to the previously approved plan would be needed. For example, if the owners of Deerfield Square wanted to add a new 2,000 sq. ft. building for a restaurant location in the PUD, the PUD would not allow for another building to be placed on the property. The property owners would have to petition the Plan Commission to amend the PUD. Commissioner Shayman asked if a retail tenant moved out of a space located within the C-1 District would a restaurant be able to move into that space as a Permitted Use if this text amendment is approved. Mr. Ryckaert confirmed under consideration is if the restaurant is less than 3,000 sq. ft. than it would be considered a Permitted Use, and the tenant would not need to petition the Plan Commission. The proposed updates to the C-1 Village Center District are similar to the updates recently made to the C-2 Outlying Commercial District, in which a restaurant of up to 3000 sq. ft. is considered a Permitted Use within the C-2 District.

Chairperson Oppenheim commented that the business climate has changed, and the businesses that were initially intended for the C-1 District may no longer be interested in renting tenant spaces, then it may be wise to consider making it easier for businesses that are interested in locating here by extending Permitted Uses to include non-retail uses such as restaurants and small offices uses. Mr. Ryckaert commented that the Special Use requires a process to determine if the use is appropriate for a specific location and can take up to four to five months. If the business is a Permitted Use, they would still need to receive signage approvals from the Appearance Review Commission (ARC) for signage and other exterior approvals.

Commissioner Shayman asked about the general parking requirements for a 2500 sq. ft. retail space, and how much of an increase in parking it would be for the same space to become a restaurant. Mr. Ryckaert commented that it depends on the restaurant, because the Village calculates restaurant parking requirements based on the estimated percentage carry out and the estimate percentage sit down. Restaurants that have a high percentage of sit down traffic have a larger parking requirement—sit-down restaurants are required to have about 15 spaces per 1000 sq. ft. vs. retail uses that are required to have 5 spaces per 1000 sq. ft. Most restaurants cater to dine-in and carry-out, so the parking requirements vary; however, the parking requirements for restaurants are higher than for retail uses. Chairperson Oppenheim commented that the

parking requirements are close to double that of retail use if it's a mix of sit-down and carry-out. There is a slight difference in the parking requirements for retail units vs. restaurants, so allowing smaller restaurants as a Permitted Use in the C-1 District may have an impact on parking and traffic in existing shopping center parking lots, as additional parking spaces would not be required if the restaurant is going into an existing space that is equal to or less than 3,000 sq. ft. space. She added that the reality is that smaller restaurants are the types of businesses that are interested in locating in the C-1 Village Center District—they do bring people in; they do confer a tax benefit to the Village; and residents want more restaurants in town.

Mr. Ryckaert acknowledged that parking could get a little tight in some areas. Commissioner Moyer commented that the hope is that people are going to walk as well. Commissioner Jacoby added that Trax Tavern and Grill has complimentary valet parking, and that may be a way for restaurants interested in locating in the area to draw in customers. Chairperson Oppenheim pointed out that there is a Village owned public parking lot across the street from Deerfield Square where customers can park, so there definitely is parking in the area. Commissioner Moyer asked if the Village recommends to business owners to have their employees park in an outlot so customers can park closer to the businesses. Mr. Ryckaert confirmed that the Village recommends that employees park further away to allow customers to have priority access to the parking spots closer to the businesses; and added that the employees at Deerfield Square are required to park in designated areas that are more remote. Chairperson Oppenheim commented that it would be up to the shopping center's owner to figure out ways to maximize parking availability during peak times such as designating parking areas for employees. Commissioner Shayman commented that there is always parking available; it may not be the nearest parking space to the store or business that a customer is going to and there is public parking across the street. Chairperson Oppenheim commented that there are peak times and there are times that the Village Center is not as busy; and the hope is that when new businesses want to locate in these areas that the center owners are savvy enough to know how to put businesses together to stagger the demand on the parking lot in order to be successful.

Mr. Ryckaert asked about the possibility of adding a dollar store or a resale store to the C-1 Village Center District and noted that there is a dollar store in downtown Northbrook. Dollar stores are currently allowed in the Village's C-2 Outlying Commercial District, so if a prospective business owner wanted to have a dollar store somewhere in town there is already an option to have it in the C-2 District. Chairperson Oppenheim commented that she felt it was less appropriate to have a dollar store and/or resale store in the C-1 District, as it's the center of town and would not fit in with the character. Dollar stores and resale stores also tend to need larger spaces, and those types of spaces may be available in the C-2 Outlying Commercial District. Chairperson Oppenheim and Commissioner Jacoby agreed that they both were more comfortable not adding dollar stores and resale stores as Permitted Uses in the C-1 District.

Mr. Ryckaert asked the Plan Commission if they had any comments on the new proposed Class A Special Uses. Chairperson Oppenheim commented that she is against having tanning salons as a Class A Special Use as they are not a healthy alternative. Mr. Ryckaert commented that tanning salons are offering spray tanning as an alternative to tanning beds. Chairperson Oppenheim commented that she does not believe that tanning salons are a necessary service for people, and as it is questionable in terms of its value and healthfulness to people she is not an advocate of allowing it as a Special Use.

Chairperson Oppenheim inquired as to whether or not it was necessary to have locksmith and key making as a Class A Special Use. Commissioner Jacoby commented that Highland Park has locksmith that she recently had to use to have keys made. Commissioner Shayman inquired about shoe repair as a Special Use. Chairperson Oppenheim and Commissioner Jacoby are both advocates of having a shoes repair as a Special Use. Mr. Ryckaert clarified that shoe, clothing and hat repair is classified as a Class A Special Use in the C-1 District. Chairperson Oppenheim does not feel it's necessary to have locksmiths as a Special Use, as there are very few standalone locksmiths. Commissioner Moyer commented that most locksmiths travel to their customers to provide their services on site. Chairperson Oppenheim added that general hardware stores cut keys, so it's not very likely that a locksmith/key making store would be in high demand. Mr. Ryckaert asked if both locksmith and key making should be taken out as Special Uses, and the Commissioners agreed.

Chairperson Oppenheim inquired about massage facilities as Class B Special Uses, and asked for clarification as to whether permission was just given for a massage facility to open over by the Baskin Robins in the C-1 District. Mr. Ryckaert commented that there was going to be a Text Amendment added to allow for a massage facility in that location, but the petitioner withdrew their application. Massage facilities are currently allowed in the C-2 District. There have been numerous inquiries for businesses such as Massage Envy. Chairperson Oppenheim commented that a couple of years ago the Plan Commission had to adhere to, and the Board had to then consider, an extremely detailed list of requirements for massage facilities, which even included the appropriate dress code for the employees. Mr. Ryckaert explained that the process has changed, as massage therapists are licensed through the state. The Village of Northbrook has its own set of additional standards for professional massage therapists; however, if our Village wanted to enforce additional standards, those standards would not be enforced through the Zoning Ordinance, but would rather have to be adopted as part of the Municipal Code.

Chairperson Oppenheim asked for confirmation that the proposed change is to allow massage facilities as a Class B Special Use, and not a Permitted Use. Mr. Ryckaert confirmed that was correct, and added that in any location (ground floor or upper floor) a massage facility would need to petition for a Special Use. Commissioner Moyer asked if the reason that a Special Use would be needed for a massage facility was because of the services that would be provided. Mr. Ryckaert commented that Class B Special

Uses were originally created due to the greater potential impact of the use such as gas stations and restaurants; therefore, the Village's review is required for these services so that there is careful consideration of the impact of the use on the proposed location. Chairperson Oppenheim commented that there are more and more massage facility chains opening up in surrounding communities, and the use and demand for these facilities have become equivalent to that of health and exercise facilities, and massage facilities no longer have the stigma of being questionable or prurient. Chairperson Oppenheim and Commissioner Jacoby are in agreement that massage facilities should be added as a Class B Special Use. Discussion developed as to whether the Commissioners would consider adding massage facilities as a Class A Special Use, so that massage facilities would need to petition for a Special Use on the first floor, but would be allowed as a Permitted Use on the second floor or above. Commissioner Jacoby commented that she felt that massage facilities should be considered a Class A Special Use; and she inquired about the signage requirements for the second floor, as massage facility chains tend to be very signage heavy in order to promote their business, and there are strict signage limitations for second floor businesses. Chairperson Oppenheim explained that massage facilities would be restricted to having their signage in the lobby directory, which is standard for all second floor businesses. The Plan Commissioners were in agreement that massage facilities should be a Class A Special Use.

Chairperson Oppenheim inquired as to why larger restaurants that are greater than 3000 sq. ft. would be a Class B Special Use rather than a Class A Special Use. Mr. Ryckaert explained that larger restaurants would be considered a Class B Special Use because a Special Use Permit would be required in any location; and added that it would not include a drive-thru operation. Specialty foods stores would also be considered a Class B Special Use where a Special Use Permit would be required in any location, as any large business is going to potentially have a considerable impact on the traffic and parking, and the Village would want to review the overall impact.

Mr. Ryckaert asked the Plan Commissioners for their thoughts on the possibility of having a convenience store as a Class B Special Use. Chairperson Oppenheim commented that convenience stores have a very heavy impact on traffic and parking demands with customers constantly coming in and out of the parking lot, and that there is already concern with the parking and traffic impact that existing and currently allowed businesses have on the C-1 Village Center District. Mr. Ryckaert confirmed that convenience stores tend to generate a lot of customer traffic, and asked if the Plan Commission thought that convenience stores should be a Class B Special Use in the C-1 District, or if they were a better fit for the C-2 District. Chairperson Oppenheim felt that convenience stores are a better fit for the C-2 District due to the traffic impact, and Commissioner Moyer agreed. Commissioner Jacoby pointed out that Walgreens is a form of a convenience store, so that convenience is already provided in the C-1 District.

Chairperson Oppenheim commented that a lot of the proposed updates to the wording (text) changes to existing categories makes sense to better reflect our modern world.

Mr. Ryckaert commented that the proposed text amendments add frozen dessert stores including an outdoor seating area up to 250 sq. ft., which includes the recent approval of Menchie's outdoor seating area. There was also a wording (text) change from pet shops to pet supplies stores, which would include selling pets as well as selling pet supplies. Chairperson Oppenheim commented that the new verbiage for dry cleaning facilities reflects the recent changes that were decided by the Village. Mr. Ryckaert confirmed, and added the self-service coin operated machines were being removed, as well as adding the green dry cleaners in the C-2 (cannot use perchloroethylene). There was also language added to include outdoor food sales, outdoor merchandise displays and outdoor seating areas to the C-1 District, so the outdoor seating area at Whole Foods is in compliance with the code. The Commissioners did not have a concern with the other new verbiage/text changes as outlined in the chart in the memo.

Mr. Ryckaert said the next topic is to consider if smaller non-retail uses (office and service uses) under 1,500 square feet can become Permitted Uses. Mr. Ryckaert asked the Plan Commissioners to look at the current list of Class A Special Uses to consider allowing all of these uses as Permitted Uses, if less than 1,500 square feet. Chairperson Oppenheim inquired about medical offices as Permitted Uses, and Mr. Ryckaert explained that small medical offices under 1500 sq. ft. would be changed to a Permitted Use. Chairperson Oppenheim personally felt that as long as the small medical offices were less than 1500 sq. ft. she would be fine with allowing them as Permitted Uses.

Mr. Ryckaert asked if there were any Class B Special Uses that the Commissioners thought should be a Permitted Use. Class B Special Uses tend to have the heaviest impact, and the Village requires a thorough review of these types of businesses. Chairperson Oppenheim felt that the businesses and services listed as Class B Special Uses should remain in that classification due to their impact on the traffic and parking.

Chairperson Oppenheim asked why the C-3 District is its own separate district—the description indicates that it's a buffer zone between fully commercial and buildings that front on or face residential districts. Mr. Ryckaert explained that the zoning district was written prior to the redevelopment of the downtown. Chairperson Oppenheim commented that an animal hospital and a funeral home did not seem appropriate for the C-3 District—a funeral home would especially have a large traffic impact on that area with funeral processions stopping traffic and cars coming in and out of the parking lot. The Plan Commissioners agreed that animal hospitals, veterinary clinics and funeral homes should be removed as uses in the C-3 District. Mr. Ryckaert explained that the Permitted Uses in the C-3 District were limited to 2,000 sq. ft., as there is a 3-story building located in that district that has smaller tenant spaces for retail and service business uses permitted in that district. Chairperson Oppenheim asked for clarification on what was permitted in the C-3 District. Mr. Ryckaert clarified that retail and service business uses up to 2,000 sq. ft. as listed in the district are Permitted Uses in the C-3 District.

Commissioner Bob Benton commented (via email) that the long-standing prohibition of non-retail uses, and the corollary need to request special uses for first floor spaces was quite, in his opinion, proper for the times it reflected, but as we are all aware in these days, retail is becoming more and more an Internet phenomenon (or as we know it, "clicks" versus "bricks") and it's harder and harder to continue attracting good retail merchants in the downtown. In Mr. Benton's opinion, the reexamination is a good exercise and the increasing requests for Special Uses tend to bear that out. Mr. Benton is also pleased to see restaurants interested in going in (Josh's, Roti, and even Menchie's patio); it's a nice way to continue to bring people into town. Without hordes of real estate offices or banks, or even nail salons, it doesn't feel like we are being overrun with non-sales tax producing locations. Mr. Benton would be in favor of some careful liberalizing of our allowed uses.

A motion was made and seconded to continue the Prefiling Conference for the possible changes to the C-1 Village Center Zoning District to update Permitted and Special Uses to the June 23rd Plan Commission Workshop Meeting. The vote was as follows:

Ayes: (4) Jacoby, Moyer, Shayman, Oppenheim

Nays: (0) None

There being no further business to discuss the meeting adjourned.

Respectfully Submitted,
Mary Glowacz