

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

Chairperson Oppenheim commented that this discussion was a continuation from the June 9, 2016 workshop meeting regarding the possible changes to the C-1 Village Center Zoning District. She added that Mr. Ryckaert is seeking input about the Plan Commission's opinion on possibly changing smaller personal training facilities of 1,500 to 2,000 square feet from its current Class B Special Use to a Permitted Use. Mr. Ryckaert confirmed that he would like to know if the Commissioners were interested in changing smaller Self-Improvement Facilities (between 1,500 and 2,500 square feet) from a Class B Special Use to a Permitted Use. Self-Improvement Facilities include sports training and martial arts facilities and learning centers. Chairperson Oppenheim commented that there were only a few tenant spaces of this size in the C-1 District, and most self-improvement facilities require a larger tenant space. Chairperson Oppenheim asked Mr. Ryckaert if the reason that he wanted to consider allowing smaller self-improvement facilities as a Permitted Use in the C-1 District was because there were a lot of inquiries from potential tenants about opening these types of facilities in the Village Center District. Mr. Ryckaert commented that self-improvement facilities are a popular use today, and this use brings people into the downtown.

Smaller office and service uses (up to 1,500 square feet) are under consideration to be a Permitted Use in the C-1 Village Center District, and Mr. Ryckaert would like the Plan Commission to also discuss adding smaller self-improvement facilities as a Permitted Use in the C-1 District. Commissioner Berg asked Mr. Ryckaert if he thought that a business owner would be more interested in locating their businesses in Deerfield's Village Center if it were a Permitted Use, since Special Uses have to go through a process of seeking approval for a Special Use. Mr. Ryckaert said that business owners would be more interested to locate their businesses in the C-1 District if they did not have to seek the Special Use. Mr. Ryckaert noted that some business owner don't want to spend the time and money to go through a Special Use process, but many do seek the Special Use as they believe their chances of approval are good. Chairperson Oppenheim commented that "Fitness Together" (an existing business in the C-1 District) would be considered a small self-improvement facility as it is 1,700 square feet in size.

Commissioner Moyer asked Mr. Ryckaert if the Village would consider creating a process that would allow the Plan Commission to fast track the process for certain petitioners on a case-by-case basis. This would help to avoid losing potential small businesses due to the Special Use approval process. Mr. Ryckaert said that a Permitted Use is the Village's fast-track process, as businesses that are considered a Permitted Use would not be required to petition for a Special Use. If the type of use that a potential business owner is inquiring about is a Permitted Use, the process tends to move quite quickly. The Village provides Permitted Use businesses with a checklist of the next steps required to open their business such as obtaining any necessary building permits and receiving approval for their signage from the Appearance Review Commission. Commissioner Moyer asked if there was any way to condense the

Special Use process. Mr. Ryckaert commented that in the past, the Village has looked into shortening the process and found that the to State law notification requirements, as well as the Village's requirements, it would not allow for the process to be shortened. The Village staff always works closely with the Special Use applicants and guides them through the process, and the Village shortens the process if it can (e.g. waiving the pre-filing conference with the Plan Commission, and waiving the second reading of the ordinance with the Board of Trustees). The Village makes every effort to move petitioners along as quickly as possible; however, there are required steps (a process) to obtain a Special Use.

Commissioner Benton commented that petitioners also have to hire professionals to help them through the process and speak on their behalf in regards to traffic studies, etc. at Village meetings. Mr. Ryckaert commented that the Plan Commission considers the potential impact of the business on the traffic flow in the area and determines if a traffic study is not necessary at the pre-filing/workshop meeting if they believe there will be little traffic impact.

Chairperson Oppenheim commented that the Plan Commission is recommending that smaller offices and restaurants should be changed to a Permitted Use in the C-1 District to attract potential business owners to the area by simplifying the process. This is same reason that Mr. Ryckaert is asking the Commissioners to consider allowing smaller self-improvement facilities as Permitted Uses.

Commissioner Berg asked Mr. Ryckaert if he thought that there were any downsides to changing smaller self-improvement facilities to a Permitted Use. Mr. Ryckaert commented that self-improvement facilities have the potential to affect the traffic, especially if there is not enough of a gap between the classes and they overlap. One class leaving while the next class shows up, which could cause temporary congestion in the parking lot during the time between the start of one class and the end of another class. Commissioner Berg asked if the fire code would restrict the number of customers that can be in the facility at one time, therefore reducing the impact that overlapping classes that would have on the area as the allowable number of customers in a class would be limited to a reasonable size for the facility. Mr. Ryckaert confirmed that the fire code would restrict the maximum number of people allowed in the facility at one time. Chairperson Oppenheim commented that there is a difference in the parking requirements for a restaurant versus retail (approximately 2 to 1), and is under the impression that a self-improvement facility where customers are coming and going could have similar parking demands as a restaurant.

Chairperson Oppenheim commented that she is concerned that self-improvement facilities and restaurants combined impact on parking and traffic could become onerous. If self-improvement facilities continue to be a Special Use then the Plan Commission can consider the impact that a specific business would have on traffic (case-by-case); however, if it becomes a Permitted Use (under 2,500 s.f.) the business owner would not have to appear before the Plan Commission and a traffic study would not be done.

Commissioner Berg asked if the business would still need to meet the parking requirements if it was a Permitted Use. Mr. Ryckaert commented that a Permitted Use would use the existing parking in the development. Commissioner Benton commented that in theory the owners of a shopping center are going to have to focus on renting their tenant space to a variety of businesses that have different peak times, so that the parking is complimentary to the businesses in the center. Commissioner Benton reiterated that the problem with self-improvement facilities is that the classes could overlap, which can cause parking lot congestion.

Commissioner Moyer asked Mr. Ryckaert if the Village ever reaches back out to potential business owners that inquired about opening a business in Deerfield but then never followed back up with the Planning Department. Mr. Ryckaert commented that the Planning Department considers the potential benefits that a specific business would have on the Village and follows up accordingly if it is a business that is desirable, especially those that generate sales tax and bring customers in.

Commissioner Shayman asked if there have been any petitioners that applied for a Special Use in the past and were denied a Special Use by the Village. Mr. Ryckaert said it has been quite a while since the Village denied a Special Use and some applicants end up withdrawing during the process if they believe their chances of obtaining approval are not good. Commissioner Benton commented that the Village had second thoughts about the Special Use that was approved for the former cigarette and tobacco shop that was located in Deerfield Park Plaza due to the issues with the strong smell of tobacco coming from the shop and the unclear regulations in regards to people being allowed to smoke inside the shop. Chairperson Oppenheim commented that in regards to a specific category of business not being allowed in the Village that to the best of her memory, a petition has not been dismissed on the basis that the Village was not interested in a certain type of business.

Mr. Ryckaert commented that the Village's Zoning Ordinance only allows uses that are listed as Permitted Uses or Special Uses. If a specific category of business is not listed as a Special Use, then it is not allowed in that zoning district. Chairperson Oppenheim added that potential business owners look at the list of businesses that are Special Uses and Permitted Uses in the Village of Deerfield, and if the type of business that they are interested in opening is not on the list, they could apply for a Text Amendment. Commissioner Berg asked for clarification that if it's not a Permitted Use or a Special Use that the business would have to apply for a Text Amendment if they are interested in opening their business in Deerfield. He added that if the Text Amendment were granted to the petitioner, if that type of business would then be a Special Use in that District or if the Text Amendment was only for that individual business. Mr. Ryckaert responded that the Text Amendment can be written to include the entire District; however, a Text Amendment can also be written so that it only applies to a specific, individual property. Each Text Amendment makes a change to the Zoning Ordinance. Commissioner Berg asked how the Village would proceed with informing property owners and business owners in the Village Center District of the changes that are made

to the C-1 Zoning District's list of Permitted and Special Uses. Mr. Ryckaert explained that the Village is going to invite the C-1 District property owners to a public hearing to discuss the zoning changes, so that the Village can get their feedback.

Commissioner Berg asked if uses such as tobacco shops and hookah lounges would still be required to apply for a Text Amendment. Mr. Ryckaert confirmed that these uses and any use that is not listed as a Permitted Use or a Special Use for the C-1 District would be required to apply for a Text Amendment; some businesses don't proceed with the process if they don't think their chances of receiving approval are very good. Chairperson Oppenheim added that nail salons are required to apply for a Special Use and a Text Amendment in the C-1 District was made for this use a couple of years ago when a nail shop requested to locate in the C-1 Village Center District.

Chairperson Oppenheim asked the Commissioners if they thought that adding smaller Self-Improvement Facilities as a Permitted Use in the C-1 District would be beneficial to the Village. The Plan Commission determined in their previous meeting that it no longer made sense to restrict the C-1 District to retail uses as Permitted Uses, as there is less demand for retail stores, and decided that adding smaller office uses (up to 1500 sq. ft.) and smaller restaurants (up to 3,000 sq. ft. with no drive-thru) as Permitted Uses in the C-1 District would assist in attracting new businesses to the Village Center. Chairperson Oppenheim commented that the Village is receiving a lot of interest from Self-Improvement Facilities such as fitness studios who are inquiring about locating their businesses in Deerfield, and would like to know if the commissioners thought it is a wise decision to add them as a Permitted Use in the C-1 District. Commissioner Benton commented that although the Village would like to have a downtown area with a prosperous and successful retail focus, the reality is that the types of business that are interested in locating in Deerfield are changing, and new types of Permitted Uses need to be added in order to fill the empty tenant spaces and meet the reality of today's market.

Chairperson Oppenheim commented that Commissioner Jacoby had said she was in favor of having Self-Improvement Facilities as a Permitted Use, and asked if any other Plan Commissioners agreed. Commissioner Berg agreed, and asked Mr. Ryckaert if a Cross-Fit Facility would be considered a Self-Improvement Facility. Commissioner Jacoby commented that a Cross-Fit Facility would need a much larger space than 1500 square feet. Chairperson Oppenheim asked for clarification on the maximum square footage requirement for a restaurant to be considered a Permitted Use in the C-1 District. Mr. Ryckaert responded that the Plan Commission is considering restaurants up to 3000 square feet would be considered a Permitted Use in the C-1 District, and asked for the Commissioners thoughts on the appropriate maximum square footage for a Self-Improvement Facility as a Special Use. Also, a Cross-Fit Facility would be considered a Self-Improvement Facility as it is a work out facility. A work out facility that offers classes and/or individual training is considered a Self-Improvement Facility.

Commissioner Benton inquired if Self-Improvement Facilities would generate sales tax revenue for the Village. Mr. Ryckaert commented that a self-improvement facility would not generate sales tax revenue unless the business sold retail products out of their store. If a business that is considered a service use such as a beauty shop or nail salon also had a retail component in which they sold products to their customers, the business would not be considered a retail use, and under the current ordinance would have to apply for a Special Use to locate their business in the C-1 District, since the retail component is not the primary business. Commissioner Jacoby commented that she thought Self-Improvement Facilities (up to 2500 square feet) should be allowed as a Permitted Use in the C-1 District. Mr. Ryckaert added that the market would likely control the number of self-improvement facilities that would be interested in locating their businesses in one area, so the Village should not be overwhelmed by too many self-improvement facilities moving into every tenant space in the C-1 Village Center District. Commissioner Berg asked if Self-Improvement Facilities would be required to also sell retail in the C-1 District. Chairperson Oppenheim clarified that it would not be a requirement, but some self-improvement businesses may also want to sell retail products to their customers. The Commissioners agreed that Self-Improvement Facilities (but only up to 2500 square feet) should be allowed as a Permitted Use in the C-1 District. A lot of the existing Self-Improvement facilities are over 2,500 according to Village files.

#### Benefits of Downtown Housing and TOD

Chairperson Oppenheim explained that planning articles were provided as background and inquired about the Plan Commissioner's thoughts on transit-oriented development (TOD), which is a modern development trend that allows for mixed-use, residential and commercial development, in an area designed to maximize access to public transit. The reality of modern society is that more and more people are interested in living in the downtown area near public transportation, restaurants, offices and stores. Chairperson Oppenheim commented that the C-1 District would be a prime location for transit-oriented development, as it is near the Deerfield Metra Train Station.

Commissioner Moyer commented that the Village should look into other towns in the area that have moved towards transit-oriented development in their downtown areas to find out if allowing more residential development in their downtown areas has been beneficial to the community (both socially and financially). Commissioner Benton commented that most of the towns that also have Metra Station stops on the Milwaukee District North Line have recently had higher density apartment/condo developments built near their train stations; pointing out Morton Grove and Glenview as two examples of Village's that have apartment developments next to their Metra Stations. Mr. Ryckaert commented that the concept would be to allow for more residential development in the C-1 District so that the Village Center would have a more substantial residential component if the commissioners thought it was appropriate for the Village Center. If the Plan Commission believes a higher customer base is desirable, consideration could be given to changing the building height in a commercial PUD from 55 feet to 65 feet and a

non-PUD property which is 45 feet. Research data has found that downtown residents spend 3 to 4 times as much money downtown than downtown employees spend, so their spending habits tend to positively benefit businesses financially. Commissioner Berg commented that the Village of Northbrook rejected The Jacobs Companies' submittal to build an apartment complex in downtown Northbrook, because the Village wanted an even higher density apartment complex than was proposed.

Chairperson Oppenheim asked what the Village's current regulations were in terms of density in the C-1 District for mixed-use development. Mr. Ryckaert explained that the maximum height for a Commercial Planned Unit Development (PUD) in the C-1 District is 55 feet and the mixed-use developments in the Village Center are 4 stories (See attached Commercial PUD requirements). The setbacks from the street are minimal in order to achieve a downtown feel with the buildings close to the street (e.g. Deerfield Center at southeast corner of Deerfield Road and Waukegan Road) to give the feel of a downtown. In addition to building setbacks and building height, other requirements for a mixed-use development include: parking, minimum land unit per dwelling units, maximum lot coverage, open space requirement, storm water requirements, and the Special Use/PUD standards – all of these are taken into account when approving a development. Commissioner Moyer asked if the buildings at Village Square were at the maximum 55-foot height. Mr. Ryckaert commented that the tallest building in Deerfield Square is the 4 story office building (with retail on the first floor and office on the 3 floors above) at 53 feet to the top of the roof deck, and to the top of the buildings' architectural element is at about 70 feet. The tallest building in Deerfield Centre is a 4 story building (retail on the first floor with 3 stories of apartments above) that is approximately 51 feet in height.

The commissioners discussed increasing the maximum height for PUDs in the C-1 District which could attract developers interested in building apartment/condo developments in the downtown. Prior to tonight's meeting, Chairperson Oppenheim asked Mr. Ryckaert to check into the zoning requirements for mixed-use developments in some of the surrounding communities. Mr. Ryckaert indicated that height is usually an issue that causes a lot of concern with new development. Other local communities' maximum height requirements vary. For example: Highland Park has a maximum height of 63 feet with a maximum of 5 stories in the downtown area, as well as specific height requirements that range from 4 to 6 stories in areas surrounding the downtown district. Glenview has a maximum height requirement of 65 feet with a maximum of 5 stories. Lincolnshire has a maximum height requirement of 40 feet with a maximum of 3 ½ stories. Arlington Heights has a maximum height requirement of 90 feet in the downtown district. Northbrook has a maximum height requirement of 45 feet with a maximum of 3 stories in the Central Business District; a maximum height requirement of 55 feet with a maximum of 4 stories in the Regional Shopping District; and a maximum height requirement of 45 feet with a maximum of 3 stories in the Boulevard Commercial District. Mr. Ryckaert commented that the recent new construction of apartment developments on Skokie Boulevard in Northbrook probably went through a variation

process as the buildings exceed Northbrook's maximum height requirements in the zoning ordinance.

Chairperson Oppenheim commented that research data has shown that there is a real value to promoting more residential development in the downtown area. The Village's regulations are currently controlled by the bulk regulations which determine the setbacks, the maximum lot coverage and the maximum height requirements. Chairperson Oppenheim commented that raising the maximum height requirement in the C-1 District would allow the Village to make a statement and promote more density in the Village Center District; reiterating that the maximum height requirement in the C-1 District is currently 55 feet. Mr. Ryckaert commented that, under the current regulations, if a developer was interested in building a development taller than 55' (which a 4-story building can be constructed within) in the C-1 District, they are able to apply for a variance and make their case to the Village to allow for a larger/denser development. Chairperson Oppenheim commented that 5 stories is not an exorbitant height and that a building of that height could fit in with the existing architecture in downtown Deerfield. Commissioner Jacoby commented that residential areas surrounding the C-1 District may have an issue with the visual obstruction that a taller 5 story building could create.

Mr. Ryckaert pointed out that even if the zoning ordinance were changed to allow taller building in the C-1 District, the developer would be required to apply for a Special Use/PUD, in which the Village would take careful consideration of the proposed project. Commissioner Moyer commented that a parking garage would likely be necessary for a mixed-use development with retail spaces on the ground floor and residential units on the upper floors. Mr. Ryckaert explained that Special Use/PUDs have bulk requirements and PUD standards to meet. The commissioners also discussed recent trends in urban planning and development is to have less parking in downtown areas, as these areas can be easily accessed by public transportation or by foot.

Chairperson Oppenheim pointed out that the Village considered TOD in the northwest quadrant many years ago in Request for Proposals and also recently Tucker's TOD in the northeast quadrant of the Village Center. Commissioner Moyer commented that downtown Deerfield has less space for larger developments than our neighboring communities' have in their downtown areas. Commissioner Jacoby commented that she doesn't feel there is a need to increase the height requirements for buildings in the C-1 District, since developers have the option of applying for a variation to the Special Use/PUD if their proposed project is larger than the allowable 55 feet that gives them a 4 story building. Chairperson Oppenheim commented that the Village's zoning restrictions for the C-1 District are held as standards for the image that the Village wants to maintain in its downtown area, and acts as an overall guideline for the type of developments that the Village is interested in having in its downtown area. She added that by keeping the existing height requirements for the C-1 District, the Village is communicating a message to developers about the kind of developments the Village wants in its downtown area. Chairperson Oppenheim feels that it would be beneficial to

the development of the Village's C-1 District to increase the height requirements. Commissioner Shayman commented that he feels that the height requirements should remain the same, and that developers should make their case for the additional height when they bring a project to the Village. He believes that the upper stories of taller buildings should be terraced back to minimize the impact on the adjacent neighborhood and that can be addressed as part of the approval process. Chairperson Oppenheim commented that she understood the Commissioners' apprehensions about allowing additional height to buildings in the C-1 District, and pointed out neighbors' resistance to the development of the townhouses by the train station due to their height. The Plan Commission determined that it was best not to increase the height requirements in the C-1 District, as developers have the option of petitioning the Village for a taller building with more stories.

Commissioner Shayman asked if a mixed-use development in the C-1 District would be required to apply for a PUD. Mr. Ryckaert stated that any major redevelopment would need to be done as a PUD. There is a minimum lot requirement of 1 acre for a Commercial PUD in the C-2 District; however, there is not a minimum lot requirement for a Commercial PUD in the C-1 District.

Chairperson Oppenheim explained that the next step was for Mr. Ryckaert to put together a summary of the changes to the C-1 Village Center Zoning District that the Plan Commission is considering. The Village is then going to notify all of the property owners in the C-1 District of the proposed updates and invite them to a public hearing to get their reaction.

There being no further business to discuss the meeting adjourned.

Respectfully Submitted,  
Mary Glowacz

12.05 COMMERCIAL PLANNED UNIT DEVELOPMENT

In addition to the general standards and criteria of this Article, Commercial Planned Unit Developments shall be subject to the following standards and regulations:

12.05-A Permitted Uses

The permitted uses within a Commercial Planned Unit Development shall be limited to those permitted uses allowed in the underlying commercial district.

12.05-B Special Uses

The special uses within a Commercial Planned Unit Development shall be limited to those special uses allowed in the underlying commercial district.

12.05-C Accessory Uses

The accessory uses within a Commercial Planned Unit Development shall be limited to those accessory uses allowed in the underlying commercial district.

12.05-D Minimum Size of Site (Ord. 0-84-40)

1. The following minimum gross areas shall be required of each site for consideration of a Commercial Planned Unit Development:

<u>Zoning District</u>	<u>Gross Area (acres)</u>
C-1	Zero
C-2, C-3	2

2. A minimum of four acres shall be required for each site for consideration for a C-2 Outlying Commercial Planned Unit Development - Special Use Hotel and a minimum of 1,400 square feet of land area shall be required for each rentable hotel room.

12.05-E Minimum Land Area per Dwelling Unit (Ord. 0-80-23)

In a Commercial Planned Unit Development containing dwelling units, a minimum land area of 2,500 square feet per dwelling unit shall be provided, except in the case of Senior Citizen Housing wherein a minimum land area of 595 square feet per dwelling unit shall be required.

#### 12.05-F Minimum Lot Area

No minimum lot area shall be required.

#### 12.05-G Minimum Lot Width

No minimum lot width shall be required in the C-2 and C-3 districts. In the C-1 district, 100 feet of frontage shall be required.

#### 12.05-H Minimum Setbacks

The following minimum setbacks shall be provided and maintained:

##### 1. Perimeter Setbacks

The minimum yard requirements of the underlying district are applicable only to the exterior boundaries of the Commercial Planned Unit Development.

*In the C-1 Village Center District, building setbacks are: Not less than five (5) feet for a front yard, and no minimum required side yard except a corner side yard shall not be less than five (5) feet, a side yard adjoining a residential district shall be no less than twenty-five (25) feet, any building containing residential dwelling units shall have a minimum side yard of twelve (12) feet on each side of the lot, and where a side yard is provided even though not required, it shall be at least five (5) feet, and a rear yard of 10 feet, except a rear yard adjoining a residential district shall be no less than 25 feet.*

##### 2. Between Buildings

The setback of buildings and structures within the site shall take due consideration of public safety especially with regard to fire hazards, traffic sight lines and access for emergency equipment.

##### 3. C-2 PUD/Hotel (Ord. 0-84-40)

In the case of a C-2 Outlying Commercial Planned Unit Development-Special Use Hotel, a minimum perimeter setback shall be required for the exterior boundaries of the Planned Unit Development. The minimum front setback shall be no less than 100 feet and the side yard setbacks shall be no less than 75 feet.

#### 12.05-I Open Space

1. Minimum Usable Open Space

Not less than ten (10) percent of the gross area of a Commercial Planned Unit Development shall be devoted to permanent usable open space.

2. Guarantees

The Village shall require adequate guarantees to enforce the establishment and continued maintenance and improvement of all required open spaces.

12.05-J Maximum Building Height

1. C-1 District

No building or structure shall be erected or structurally altered to exceed fifty-five (55) feet in height.

2. C-2 and C-3 Districts

No building or structure shall be erected or structurally altered to exceed the maximum building height of the underlying district.

12.05-K Maximum Lot Coverage

The total ground area occupied by all principal and accessory buildings shall not exceed the following:

<u>Zoning District</u>	<u>Maximum Lot Coverage</u>
C-1	75%
C-2, C-3	30%

12.05-L Parking and Loading Requirements (Ord. 0-79-80)

Adequate off-street parking and loading facilities shall be provided and in no event shall the parking or loading facilities be less than required in Article 8, Off-Street Parking and Off-Street Loading, except in case of Senior Citizen Housing wherein the required number of parking spaces per dwelling unit shall be .50.