

**PLAN COMMISSION**  
**Village of Deerfield**  
**Agenda**  
**January 26, 2023 at 5:30 PM**  
**Workshop Meeting\***

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**Public Comment on a Non-Agenda Item**

**WORKSHOP MEETING**

**DOCUMENT APPROVAL**

1. 560 Waukegan Road, Shake Shack Restaurant Text Amendment and Special Use Recommendation
2. 711 Deerfield Road, Rosebud Restaurant Expansion Recommendation
3. January 12, 2023 Plan Commission Minutes

**Items from the Commission**

**Items from the Staff**

**Designation of Representative for the next Board of Trustees Meeting**

**Adjournment**

\*While it is the intent of the Plan Commission to hold the meeting in-person at Village Hall, the Plan Commission reserves the right to hold the meeting virtually on the Zoom platform should the need arise due to changing circumstances related to COVID-19. The agenda and meeting materials for this meeting will be posted no later than 48 hours prior to the meeting at <https://www.deerfield.il.us/AgendaCenter>. If the Village decides it is necessary to hold the hearing virtually, the Village will provide directions on its agenda on how to access the hearing via the Zoom platform and providing public comment and testimony.

**RECOMMENDATION**



VILLAGE OF DEERFIELD

TO: Mayor and Board of Trustees

FROM: Plan Commission

DATE: January 12, 2023

RE: 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 Boards at 560 Waukegan Road for a Shake Shack Restaurant (former Rosebud Restaurant)

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**Application History**

Public Hearing Publication Date: October 21, 2022

Plan Commission Public Hearing Date: October 27, 2022

Continued Plan Commission Public Hearing Date: December 8, 2022 continued to January 12, 2023

**Zoning Actions**

The Deerfield Plan Commission has conducted a Public Hearing to consider the request of 2300 Carlson LLC (owners of 560 Waukegan Road) and Shake Shack for the following zoning actions:

1. Approval of a Text Amendment to the Deerfield Zoning Ordinance to Allow a Drive-Thru Restaurant in the C-1 Village Center District as a Class B Special Use.
  2. Approval of a Class B Special Use to Permit the Establishment of a Drive-thru Restaurant with an Outdoor Seating Area for Shake Shack at 560 Waukegan Road.
  3. Approval of Proposed Menu Boards at 560 Waukegan Road for a Shake Shack Restaurant.
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We transmit for your consideration a recommendation adopted by the Plan Commission of the Village of Deerfield on the request for approval of a Text Amendment to allow a drive-thru restaurant in the C-1 Village Center District as Special Use; approval of a Special Use to permit the establishment of a drive-thru restaurant with an outdoor seating area, and approval of the proposed menu boards at 560 Waukegan Road for a Shake Shack Restaurant. The Plan Commission held a public hearing on October 27, 2022 and continued the public hearing to December 8, 2022 (petitioner was not ready to proceed at Continued December 8, 2022 Public Hearing) and the public hearing was continued to January 12, 2023 . At those public hearings, testimony and documentary evidence in support of the request was presented. A copy of the public hearing and workshop minutes are attached. In support of its request, the Plan Commission makes the following findings of fact and conclusions:

### **FINDINGS OF FACT**

#### **Subject Property**

The subject property consists of the former Rosebud Restaurant at 560 Waukegan Road. The subject property is zoned C-1 Village Center District and is approximately 1.09 acres in size. The property was originally developed in 1975 with a Poppin Fresh Pies restaurant, followed by a Baker’s Square restaurant, and then a Rosebud restaurant was approved in 2010. The Rosebud restaurant relocated to the 711 Deerfield Road building in Deerfield Square in the fall of 2020.

#### **Surrounding Land Use and Zoning**

The property to the north (across Central Avenue) is zoned P-1 Public Lands and is the Deerfield Cemetery. The property to the south is zoned P-1 Public Lands and is developed with the Deerfield-Bannockburn Fire Protection District’s fire station. Waukegan Road is to the east of the property, and across Waukegan Road is Briarwood County Club in residential zoning. The property to the west is zoned C-1 Village Center and is developed with the Renu Day Spa. Also, to the west is zoned R-5 General Residence and is developed with a residential community

(South Commons), and property to the southwest is zoned R-5 General Residence District and is developed with a residential community (Coromandel).

**Proposed Plan**

The petitioners are seeking a Special Use in order to establish a Shake Shack restaurant with drive-thru at 560 Waukegan Road (former Rosebud restaurant property). The existing 4,265 square foot Rosebud building will be razed and new restaurant constructed. The proposed Shake Shack restaurant will have a total area of 3,460 square feet with an 813 square foot outdoor seating area. The restaurant will have a total of 50 employees with approximately 18-25 employees by shift. The petitioner’s plans indicate a maximum seating capacity of 100 seats in the restaurant. The proposed drive-thru operation has a single lane entry which splits into dual lanes each with a digital pre-menu board and digital menu/ordering board with a drive-thru canopy. The dual drive-thru lanes converge into a single lane prior to getting to the pickup window. The site plan indicates that approximately 18 vehicles will be able to stack within the drive-thru lanes. The drive-thru operation will wrap around the southwest corner of the subject property. The petitioner’s site plan illustrates the drive-thru lane(s) will have directional arrows and pavement text (Drive Thru, Stop, Merge) at traffic sensitive areas along the drive-thru lanes with additional pavement text, “ Almost There” and “Exit & Enjoy”.

The main parking lot will be on the north side of the building and a row of parking will be provided on the east side of the property. The existing parking lot in its current configuration has 65 parking spaces and the proposed site plan lists 49 parking spaces on site. The main entrance to the restaurant will be on the east side of the building, facing a row of parking and Waukegan Road. The petitioner’s site plan shows that a north-south drive aisle in the parking lot is adjacent to the main restaurant entrance. A trash enclosure is proposed to the west of the restaurant building and north of the dual drive-thru lanes. Typical hours of operation will be from 11:00 a.m. to 11:00 p.m. daily with peak hours of operation between noon to 2:00 p.m. and 5:30 p.m. to 7:30 p.m. Following the January 12, 2023 Plan Commission meeting, the Plan Commission is recommending weekday (Sunday-Thursday) hours of 11:00 a.m. to 9:30 p.m. and

weekend (Friday-Saturday) hours of 11:00 a.m. to 10:00 p.m. (see Conclusion Section). Shake Shack averages 25 guest transactions an hour and 70 guest transactions during peak hours. Weekday guest transactions are estimated at 480 per weekday and on the weekends. The petitioner anticipates 50% of daily transactions go through the drive-thru operation and 50% to be onsite dining and delivery. Of the 50% that is onsite dining and delivery, Shake Shack estimates that 50% of the transactions are dine-in and 50% are take-out and delivery.

The petitioners are proposing to add new landscaping to the property around the southern elevation of the building and canopy trees in the landscaped parking islands. A 7' high vertical slat cedar fence is proposed in the southwest corner extending north along most of the west property line and east along half of the south property line. The landscape plan also proposes landscape screen of arborvitae (6'-8' in height) in the southwest corner of the property and at the south side of the trash enclosure. Landscaping shrubs and plantings are also proposed along the drive-thru lane(s), parking lot islands, and along the north and south periphery.

The proposed Shake Shack building, consisting of 3,460 square feet is proposed with a fiber cement panel and brick veneer exterior. Ivory colored ribbed fiber cement panels will be on portions of the north and east elevations. Gray, vertical siding and charcoal brick veneer will cover the north, south, east, and west elevations to break up the façade and add texture to the building. Black metal canopies hang over the main entrance on the east exterior elevation as well as a portion of the north exterior elevation. A black metal canopy also shields vehicles from the elements at the pick-up window in the drive-thru lane and at the digital order menu boards. The storefront will also include a glass glazing window system.

The outdoor eating area will be enclosed and contain outdoor furniture for dining. Two accessible parking spaces are located across the drive aisle of the main entrance. Three parking spaces (including one of the accessible spaces) located across the drive aisle of the main entrance are designated for food pick-up ordered on line.

**Changes to Petitioner’s Plans From the October 27, 2022 Public Hearing Meeting to the January 12, 2023 Continued Public Hearing Meeting**

After the October 27, 2022 Plan Commission Public Hearing, the petitioner took feedback from both the Plan Commissioners, Appearance Review Commission (ARC) and from Public Comment and made the following notable changes which include:

- Relocated the Waukegan Road access drive so as to avoid the current Village streetscape easement and ComEd utility pole.
- Changed the proposed Waukegan Road access drive with one outbound left turn lane, one outbound right turn lane, and one inbound lane.
- Installation of a 7’ high wood fence (6’ high wood fence proposed at 10/27/22 Public Hearing) to enhance the screening from neighbors to the south and the west.
- Increased plantings onsite at the southwest corner in order to create more buffer from neighbors.
- On-site parking increased from 46 parking spaces to 49 parking spaces (the petitioner proposed 52 spaces, but the Village’s traffic consultant recommended adding a landscape island at the north end of the site to avoid vehicle conflicts and widening the Waukegan Road access drive. Both of these changes resulted in the removal of 3 parking spaces.
- Relocated the trash enclosure in order to screen it from the street.
- Reduced the length of the drive-thru from stacking for 23 cars to stacking for 18 cars.
- Verified menu board brightness will within 500-1500 Nits.
- Reduced the height and sign area of the monument sign and increased plantings around the base of the sign.
- Relocated monument sign from the north side to the south side of the Waukegan Road access drive.
- Odors and exhaust ventilation details have been added to project description.
- Roof top signs are no longer proposed for the north and east building elevations.

- Wall signs are proposed for the north, south and east building elevations. No wall sign is proposed for the west (rear) building elevation.
- Building elevation materials - Metrobrick Charcoal added to rear drive-thru corner pick-up window and walls under the canopy.

### **Vehicular Access to the Property**

There are currently two (2) vehicular access driveways serving the subject property – one driveway is on Waukegan Road, and one driveway is on Central Avenue. The vehicular access driveway on Waukegan Road is proposed to be relocated further to the south of the existing driveway as part of this petition. Proposed Waukegan Road access drive with one outbound left turn lane, one outbound right turn lane, and one inbound lane. The Central Avenue vehicular access to the property will stay in the same location.

#### **IDOT Approval of Relocated Waukegan Road Access**

Waukegan Road is under the jurisdiction of the Illinois Department of Transportation (IDOT) and the petitioners have to obtain approval from IDOT for the new relocated full access driveway which is proposed to be located further to the south than the existing full access driveway.

The Plan Commission can recommend restrictions on left turns out of the subject property at certain hours of the day if they believe this is needed to assure compliance with the Special Use standards. If turning restrictions are put in place, proper signage will need to be placed on the property instructing motorist about the turning restrictions.

### **Zoning Conformance**

#### **Text Amendment for a Drive-Thru Restaurant in the C-1 Village Center District**

The petitioners will be seeking a Text Amendment to the C-1 Village Center District to allow a drive-thru restaurant. In the C-1 Village Center district, a restaurant with a drive-thru is currently not allowed and the applicant must seek

a Text Amendment for this use. In the C-1 district, a restaurant 3,000 SF and under without a drive-thru is a Permitted Use, and a restaurant 3,001 SF and greater without a drive-thru is a Special Use.

The proposed Text Amendment will require a Special Use for any size restaurant with a drive-thru in the C-1 Village Center District so that the impacts of the drive-thru can be evaluated regardless of the size of restaurant. The Text Amendment will classify a drive-thru restaurant as a Class B Special Use in the C-1 Village Center District requiring a Special Use in all locations in the Village Center. The proposed Text Amendment applies to the proposed Shake Shack drive-thru restaurant at 560 Waukegan Road and any future drive-thru restaurants in the C-1 Village Center zoning district.

In the C-2 Outlying Commercial District, a drive-thru restaurant is a Special Use and a drive-thru restaurant is required to have direct connection to a traffic signal. Of the 6 drive-through's restaurants in the C-2 district, only 1 restaurant drive-thru has direct signalized connection/access to a traffic signal - and this is the McDonald's restaurant. Portillo's, Dunkin' Donuts, Starbucks, and McAlisters have a signalized access at nearby intersections, but not the direct signalized access that McDonald's has. Chick-fil-A doesn't have any signalized access to their property.

Staff is of the opinion that the Text Amendment for the C-1 Village Center District should not require direct signalized access for a drive-thru in the C-1 Village Center when most of the drive-thru restaurants in the C-2 don't currently meet this direct signalized requirement. Instead, the Text Amendment for the C-1 Village Center district will rely on the Special Use process to approve or not approve the proposed drive-thru restaurant. The specific text amendment to the C-1 Village Center District is underlined below:

Add letter a. to Article 5.01-C, 2 (3) Restaurants, Cafes, Coffee Shops, Tea Shops, Bagel Shops and Similar Operations of 3,001 square feet in area or greater (including the square footage of any outdoor seating area), without drive-thru (0-16-31):



a. Drive-thru restaurants of any size.

The standard for a proposed Text Amendment to the Zoning Ordinance is that the proposed amendment has to be in the public interest and is not solely for the interest of the applicant.

Special Use for Shake Shack Drive-Thru Restaurant

The petitioners will be seeking a Class B Special Use to permit the establishment of a Shake Shack drive-thru restaurant at 560 Waukegan Road and approval of proposed menu board pursuant to Article 9.02-B.,14 (a) of the Deerfield Zoning Ordinance.

The subject property is not a planned unit development so the Plan Commission cannot take up the variations from the zoning ordinance. Instead, any variations from the zoning ordinance would require a public hearing with the Board of Zoning Appeals (BZA). Based on the updated plans, the petitioner is not requesting any variations.

Bulk Regulations in the C-1 Village Center District

The proposed building meets the setback requirements in the C-1 Village Center District and the parking lot spaces have to be setback a minimum of 5 feet from the lot lines and that requirement is met.

Required Parking

Sit-down restaurants require one (1) parking space for each 60 square feet of gross floor area and carry-out restaurants require one (1) parking space for each 120 square feet of gross floor area. The parking requirements for a restaurant can be increased or decreased up to 25% by the Board of Trustees upon the recommendation of the Plan Commission according to the Zoning Ordinance.

The proposed Shake Shack restaurant building is 3,460 SF and the parking calculation for this restaurant with 50% dine in and 50% takeout is below.

50% estimated dine in = 3,460 SF x 50% dine-in = 1,730 SF / 60 SF ( 1 parking space for every 60 SF for dine-in) = 28.83 parking spaces.

50% estimated takeout = 3,460 SF x 50% take-out = 1,730 SF / 120 SF ( 1 parking space for every 120 SF for takeout) = 14.41 parking spaces.

Total Parking Spaces Required = 43.24 or 44 spaces.

Total Parking Spaces Provided: 49 spaces on revised site plan

The Zoning Ordinance (Article 8.02-E,2,1,3) also indicates that outdoor seating is counted toward required parking for a restaurant unless the Village believes the outdoor seating area will not have an adverse impact on parking, then the area of the outdoor seating area would not be counted in the required number of parking spaces for the restaurant. If the Plan Commission and Board of Trustees wish to count the proposed outdoor seating areas in the required parking, the outdoor parking areas would require 14 parking spaces (813 SF / 60 SF = 13.55 spaces for the outdoor dining area. The Village has generally not included the outdoor seating area in the required parking for restaurant over the years because outdoor seating is available during the warmer months of the year and during the months an outdoor seating area is open, inclement weather can impact the use of an outdoor seating area.

### **Central Avenue Parking**

There are 22 on-street public parking spaces on the south side of Central Avenue located to the west of the South Commons driveway. On the south side of Central Avenue, east of Renu Day Spa's driveway, Central Avenue is signed "No Parking Here to Corner." Parking is not allowed on the north side of Central Avenue anytime.

### **Parking Stall Size**

Ninety degree parking spaces are required to be 9 feet wide by 19 feet long with a 24 foot wide aisle. 19 feet deep and 9 feet wide spaces are provided with a 24 foot wide parking aisle.

### **Traffic and Parking Study**

The petitioners have submitted a Traffic Impact Study prepared by KLOA, Inc. dated December 28, 2022, for a proposed Shake Shack drive-thru restaurant at 560 Waukegan Road. The purpose of the study was to examine background traffic conditions, assess the impact that the proposed restaurant will have on traffic conditions in the area, determine if any roadway or access improvements are necessary to accommodate the traffic generated by the proposed restaurant, and evaluate the adequacy of the parking supply in meeting the future parking needs.

KLOA conducted peak period vehicle, pedestrian, and bicycle movement traffic counts on Tuesday, August 16, 2022, during the weekday midday (11:30 A.M. to 1:30 P.M.) and evening (4:00 to 6:00 P.M.) peak periods and on Saturday, August 13, 2022, during the midday (11:30 A.M. to 1:30 P.M.) peak period at the Waukegan Road and Osterman Avenue/Longfellow Avenue intersection, Waukegan Road and Central Avenue intersection, and at the Central Avenue and Robert York Avenue intersection. The traffic counts results indicated that the weekday midday peak hour of traffic occurs from 12:00 to 1:00 P.M., the weekday evening peak hour of traffic occurs from 4:45 to 5:45 P.M., and the Saturday midday peak hour of traffic occurs from 11:45 A.M. to 12:45 P.M.

In order to represent normal conditions, the traffic counts were adjusted based on a comparison with the annual average daily traffic counts along Waukegan Road from 2019 published on the IDOT website adjusted to 2022 using an annual growth rate. The comparison showed that the traffic counts were approximately 15 percent lower than the IDOT counts adjusted to 2022. As a result, the existing traffic volumes along Waukegan Road were increased by 15 percent during the peak hours to represent Year 2022 base traffic conditions. Figure 4 on page 7 illustrates the Year 2022 base traffic volumes.

In order to evaluate the impact of the subject development on the area roadway system, the study quantifies the number of vehicle trips the site will generate during the peak hours and then determines the directions from which the proposed traffic will approach and depart the site. Figure 5 on page 12 shows the established directional distribution for the proposed Shake Shack restaurant.

The traffic study estimated the number of peak hour vehicle trips to be generated by the proposed Shake Shack drive-thru restaurant based on operations at existing Shake Shack restaurants. The study notes that surveys conducted by ITE <sup>1</sup> have shown that approximately 50 percent of trips made to drive-through restaurants are diverted from the existing traffic on the roadway system. Such diverted trips are referred to as pass-by traffic. Table 4 on page 13 shows the estimated vehicle trip generation for the weekday midday, weekday evening, and Saturday midday peak hours and daily trips reduced to account for pass-by trips.

The projected traffic volumes take into account the base traffic volumes, increase in background traffic due to growth, and the traffic estimated to be generated by the proposed restaurant. Figure 6 on page 15 illustrates the estimated weekday midday, weekday evening, and Saturday midday peak hour traffic volumes that will be generated by new passenger vehicle trips and Figure 7 on page 16 illustrates the estimated weekday midday, weekday evening, and Saturday midday peak hour traffic volumes that will be generated by pass-by passenger vehicle trips. Figure 9 on page 18, Year 2028 total projected traffic volumes accounts for new (Figure 6) and pass-by development-generated (Figure 7) traffic along with regional growth (Figure 8 on page 17) not attributable to any particular planned development.

The study provides peak hour evaluation (for the weekday midday, weekday evening, and Saturday midday peak hours for the base Year 2000, Year 2028 no-build and Year 2023 total projected traffic volumes) pertaining to capacity analyses to determine how well the roadway system and access drives are

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<sup>1</sup> Institute of Transportation Engineers (ITE) Trip Generation Manual

projected to operate and whether any road improvements or modifications are required. The analysis include the following intersections:

- Waukegan Road and Osterman Avenue/Longfellow Signalized Intersection
- Waukegan Road and Central Avenue Unsignalized Intersection
- Central Avenue and Robert York Avenue Unsignalized Intersection
- Waukegan Road with Site Access Drive
- Central Avenue with Site Access Drive

See the petitioner’s traffic study, Section 5 Traffic Analysis and Recommendations Section that begins on page 19 for the detailed analysis and how traffic flow is expressed in terms of levels of service. Tables 5 through 8 on pages 20 -22 display the level of service and overall intersection delay (measured in seconds) for the base Year 2022, Year 2028 no-build and Year 2028 total projected conditions. A summary of each intersection analyzed follows the tables.

The petitioner’s traffic study also analyzes the availability of gaps in the Waukegan Road traffic stream. Specifically two-way gaps in the traffic flow on Waukegan Road were recorded on the same days as the traffic counts (August 13 and August 16, 2022) and during the same four-hour periods. Two-way gaps reflect the condition when no traffic passes by Central Avenue in either the northbound or southbound direction on Waukegan Road (or turns onto the roadway). These gaps are used by traffic that will turn left from Central Avenue onto Waukegan Road.

The study indicates that the traffic gap data collected was evaluated based on the Critical Gap and Follow-Up Time methodologies contained in Chapter 19 of the Federal Highway Administration’s Highway Capacity Manual (HCM) 2010. The critical gap is defined as “the minimum time interval in the major-street traffic stream that allows intersection entry for one minor-street vehicle.” The time between the departure of one vehicle from the minor street and the departure of the next vehicle using the same major-street gap is called the follow-up time. Table 9 on page 25 display the gap study results.

Based on existing conditions and the traffic capacity analyses, the findings and recommendations of the petitioner's study is summarized below:

- The total volume of traffic estimated to be generated by the proposed Shake Shack will be reduced due to pass-by trips.
- The results of the capacity analysis indicate that the traffic that will be generated by the proposed Shake Shack will not have a significant impact on the major area roadways.
- The access system proposed to serve Shake Shack will ensure that an adequate and flexible access system is provided to accommodate the traffic that will be generated by the proposed restaurant.
- The results of the gap study indicated that there are more than adequate gaps to accommodate existing traffic from Central Avenue and the access drive.
- The site plan provides for efficient circulation and adequate stacking of 18 vehicles for the drive-through of the proposed Shake Shack restaurant.
- Appropriate wayfinding signs and striping should be provided within the site directing customers to and from the entrance of the drive-through lane.
- "Do Not Enter" signs should be placed at the exit of the drive-through lane to deter opposing traffic from entering the drive-through lane from the one-way exit direction.
- Exiting movements from the drive-through lane should be under stop sign control.
- The parking supply of 46 spaces proposed to serve the restaurant will meet the Village and ITE parking requirements (52 spaces are provided on the site plan).

### **Kimley Horn Traffic Review**

Following the October 27, 2022 Plan Commission Public Hearing, the Village Manager's office engaged traffic consultant Kimley Horn to review the Traffic Impact Study (TIS) prepared for the proposed Shake Shack restaurant and drive-thru. Kimley Horn reviewed the TIS prepared by KLOA, Inc. dated November 15,

2022, December 28, 2022 and January 10, 2023 along with Architectural Site Plan by Gensler dated December 20, 2022.

The review generally concurred with the many aspects of the KLOA TIS including but not limited to their findings regarding existing conditions, traffic assignments, capacity analysis, site access drives should have Stop sign control for exiting traffic, and that there are enough gaps in through traffic to accommodate background and Shake Shack traffic turning left onto Waukegan Road from Central Avenue and site access. The review noted that the petitioner's updated Site Plan is well-designed with good internal circulation to guide site traffic to the access drives—one each on Waukegan Road and Central Avenue, Waukegan Road access drive be redesigned to provide two outbound lanes, drive-thru stacking is plentiful to help accommodate transaction times, and the updated site plan included removing two parking spaces to avoid conflicts near the Central Avenue access drive.

The review recommended the following:

- Waukegan Road access drive should be full access throughout the day,
- IDOT BDE Manual should be used to test if NB LT lane on Waukegan Road is warranted at site drive.
- Waukegan Road access should have two outbound lanes.

The traffic consultant from Kimley Horn will be available to present their findings and answer any questions at the February 6, 2023 Village Board of Trustees meeting.

### **Loading**

The proposed restaurant building is below the square footage threshold where a dedicated loading areas is required. According to Article 8.03-G of the Zoning Ordinance, where buildings are less than the minimum square footage required for off-street loading facilities, such facilities shall be provided with adequate receiving facilities with vehicular access to the property. The petitioner's plans indicate that deliveries will occur between the hours of 6:00AM – 10:00AM and 11:00PM – 3:00AM, 3-6 days per week based on volume. Deliveries will take

place through a dedicated back of the house delivery entrance. The petitioner's materials indicate that they can adjust their delivery schedules according to Village Code.

The Village has a Noise Ordinance in our Municipal Code which prohibits the creation of loud and raucous noise in connection with loading or unloading of any vehicle without exercising reasonable care to limit such noise and to confine the same. The Village has interpreted this loading section of the Municipal Code that no deliveries/loading can occur to restaurants during the overnight hours.

Following the January 12, 2023, the Plan Commission recommended and the petitioner agreed that deliveries would not take place between the hours of 10:00 p.m. and 7:00 a.m.

### **Municipal Code**

The Village's Liquor Control Ordinance (which is part of the Municipal Code) allows liquor to be served in an outdoor seating area of licensed restaurants provided that the service of alcohol be incidental and complementary to the sale of a meal, and outdoor service hours must coincide with restaurant hours of a complete meal, and access to the outdoor seating areas is gained from the interior of the restaurant. If alcohol is to be served on-site incidental and complementary to the sale of a meal, the Village Manager's Office and Police Department will have to approve a liquor license and the proposed layout of the outdoor dining areas. The petitioners' plans indicate beer and wine are part of their menu items.

The petitioner intends to provide the sale of alcohol to be incidental and complementary to the sale of a meal and will comply with the Village's Liquor Control Ordinance. The site plan indicates that the outdoor seating area is fully enclosed and access to the outdoor seating area is gained from the interior of the restaurant.



**Signage**

**Wall Signs:**

Shake Shack is proposing three business wall signs: one wall sign on the east, north and south building walls. No wall sign is proposed on the west (rear) building wall.

**East (Front) Elevation:**

Option 1: Shake Shack Text with Burger Logo

Option 2: Shake Shack Text with Burger Logo and drive-thru Text

	Allowed:	Proposed:
Sign Area:	8% of area = 98.3 SF or 80 SF (whichever is greater)	40.32 SF (Opt.1) 59.08 SF (Opt. 2)
Number:	1	1
Sign Height	Below the Roof Deck	Below the Roof Deck

**North (Side) Elevation: Shake Shack Text with Burger Logo**

	Allowed:	Proposed:
Sign Area:	4% of area = 50.35 SF or 40 SF (whichever is greater)	40.32 SF
Number:	1	1
Sign Height	Below the Roof Deck	Below the Roof Deck

South (Side) Elevation: Burger Logo Only

	Allowed:	Proposed:
Sign Area:	4% of area = 50.48 SF or 40 SF (whichever is greater)	3.66 SF
Number:	1	1
Sign Height	Below the Roof Deck	Below Roof Deck

The signs may be illuminated provided that any illuminated sign located within 120 feet of a residential district shall be extinguished at the close of business or 11:00 p.m. whichever is later.

**Directional/Informational Signs**

The petitioner is proposing directional and informational signs in the parking lot. Two directional signs are to direct cars into the drive thru, one informational sign at the drive-thru exit lane, and four informational signs designating employee parking spaces. Directional and informational signage are allowed to be 2 SF or less and non-illuminated to be permitted as exempt signage. The petitioner’s plans indicate that the signs will comply with the Village regulations. The petitioner also has a clearance bar at the entrance of the drive-thru lane listing the clearance height at 8’-6". The non-illuminated clearance bar sign is approximately 1.16 SF in size and considered a permitted directional/informational sign.

**Ground Sign**

One ground/monument sign, a maximum of 32 square feet per face, 64 square feet total, and cannot extend over the property line. The petitioner is proposing a double-faced, illuminated monument sign with a total sign area of 64 square feet (32 square feet per face) located to the south of the Waukegan Road driveway.

The ground sign will sit on a one foot brick veneer base for a total height of five feet. Year round landscaping is proposed at the base of the monument sign.

### **Menu Board Signs**

Shake Shack is also proposing four menu boards in the drive-thru. Each lane will have a 11.38 square foot (4.55' tall x 2.5' wide), one panel pre-menu board located before the order point, and a 22.43 square foot (4.54' tall x 4.94' wide), two panel, menu board at the order point. The pre-menu board and the menu board are both six feet tall. The petitioner believes having a pre-menu board will speed up ordering times and make the drive-thru operation more efficient.

In 2014, The Board of Trustees passed Ordinance O-14-13 regarding drive-thru menu boards. The ordinance allowed the Village to review menu boards of all types in the C-2 Outlying Commercial District on a case-by-case basis. The menu boards would be evaluated by their number, area, location, height and lighting. Below is the Text Amendment added to the Signage section of the Zoning Ordinance (which was recommended by the Plan Commission):

#### **Restaurant Drive-Thru Menu Board Signage in the C-2 Outlying Commercial District.**

##### **a. Number, Area, Location, Height and Lighting.**

The number, area, location, height and lighting of a restaurant drive-thru menu board sign shall be determined by the Corporate Authorities following review and consideration of a recommendation from the Village Plan Commission.

#### **Previously Approved Starbucks and McDonalds Digital Menu Boards**

In the past, the Village reviewed and approved new menu boards for the McDonald's drive-thru on Waukegan Road in 2019 and Starbucks in Deerbrook Shopping Center in 2022. The ARC recommended that the brightness of menu boards for Deerfield should be limited to 500-1500 nits (a unit of measurement equal to one candela per square meter and used to measure brightness emitted from a screen). McDonald's uses a manual override on the screens to maintain

the parameters set by the Village. The Plan Commission also reviewed and approved the McDonald's menu Board and agreed with the ARC on the brightness limit. The recently approved Starbuck menu board digital confirmation screen in the drive-thru was also restricted to the same brightness limit. The petitioner's plans indicate that the brightness will be limited to 500-1500 nits.

### **Lighting**

Required: The Zoning Ordinance requires that illumination be arranged so that it is directed away from adjoining properties and streets so as to not project direct rays of light onto adjacent properties or street right-of-ways and not produce excessive glare.

The petitioners will be installing new site lighting in the parking lot consisting of LED fixtures mounted on six, 25 foot tall poles. The petitioners have provided cut sheets of the light poles and fixtures in their materials. The photometric plan shows that the lighting levels are near zero (0) at the property lines.

### **Village Streetscape Easement**

In 1989, the Village entered into a perpetual easement with the property owner to operate and maintain the decorative items and landscaping for the Village's Streetscape Plan. Beginning at the southeast corner of the site, the irregular shaped easement area extends 30 feet north along the east property line and 35 feet west along the south property. The easement restricts construction of permanent structures in the easement without consent of the Village. Two large evergreens, a curved brick decorative knee wall, landscaping, and a streetscape light are located within the Village's easement. Also, just outside the easement area, to the north is a ComEd utility pole. (See attached Streetscape Easement)

The petitioner's proposed Waukegan Road driveway is not located in the Village streetscape easement area and does not interfere with the ComEd utility pole.

### **Landscape plan**

The petitioners are proposing changes to the existing landscaping on the property as part of the renovations to the property. The petitioner plans to keep a few of the existing trees at the north end of the site that are not affected by the construction. The petitioners are proposing to add new landscaping to the property around the southern elevation of the building and canopy trees in the landscaped parking islands. A 7' high vertical slat, cedar fence is proposed in the southwest corner extending north along most of the west property line and east along half of the south property line. The landscape plan also proposes landscape screen of arborvitae (6'-8' in height) in the southwest corner of the property and at the south side of the trash enclosure. The petitioner's landscape plan indicates the location, number, type and size of the proposed plantings on the property for the north, west and east sides of the parking lot, around the new drive-thru lanes and trash enclosure, and the south side of the property.

### **Roof Top Mechanical Equipment**

The proposed mechanical equipment is noted on the Roof Plan. The roof heights and parapet walls vary between the different roofs. Some of the equipment is visible above the parapet walls so the architect has provided additional screening around the units.

### **Trash Enclosure**

All refuse containers must be fully enclosed by a screening fence or landscaped screening of a height sufficient to screen containers from view from adjoining properties and public or private ways.

The trash enclosure for the restaurant will be constructed of concrete walls and a metal deck gate painted to match the building paint. The enclosure is located at the rear of the site and set back from Waukegan Road. The landscape plan shows landscaping surrounding the enclosure with 6-foot to 8-foot tall arborvitae plantings at the south side and landscaping plantings at the west side. The

petitioner noted that they can have pickup occur daily, if needed, and pickup will not be done before 7:00AM.

### **Stormwater Management**

The petitioner's have submitted a grading plan (Sheet C2.0) and a utility plan (Sheet C3.0). The petitioner's engineering team has been in contact with the Village Engineers and they continue to work on the stormwater plan. Discussions between the petitioner's engineers and the Village's Engineering Department indicate that the existing site drainage and stormwater management will generally remain the same as they are today.

### **Fire District**

The petitioner has provided a letter from Deerfield Bannockburn Fire Protection District's consultant recommending approval of the proposed site plan for emergency vehicle access.

The Deerfield Bannockburn Fire Protection District has also provided a letter indicating that they are aware of the proposed building at 560 Waukegan Road and do not have any concerns or questions regarding the proposed project and its impact on their operations.

### **Bicycle Facilities**

The Bicycle Facilities section of the Zoning Ordinance indicates that where appropriate, all developments in the C-1 Village Center District shall provide for facilities for the storage of bicycles as appropriate for the development. Development is defined as construction, conversion, substantial structural alteration of any building(s) housing the primary use of the building. The petitioner has provided bicycle racks at the main entrance of the building.

**Appearance Review Commission (ARC)**

The Appearance Review Commission will have to approve the exterior wall signs and any other exterior changes to the building. The petitioner held one preliminary meeting with the ARC in October 2022 and the petitioner is scheduled to meet with the ARC on January 23, 2023.

**CONCLUSIONS**

**Request for Approval of a Text Amendment for a Drive-Thru Restaurant as a Special Use in the C-1 Village Center District**

The Plan Commission is in favor of amending the C-1 Village Center District to allow a drive-thru restaurant use as a Class B Special Use in all locations in the Village Center. A text amendment is needed to allow this use. The Plan Commission finds that the Text Amendment for the C-1 Village Center District should not require direct signalized access for a drive-thru in the C-1 Village Center when most of the drive-thru restaurants in the C-2 Outlying Commercial District don't currently meet the direct signalized requirement for a drive-thru in the C-2 District. The Plan Commission finds the proposed use is appropriate for the C-1 Village Center District as a Special Use, and finds it is in the public interest to allow this use. The Plan Commission finds the proposed Text Amendment is appropriate as it allows a drive-thru restaurant only as a Special Use in the C-1 Village Center District so that the proposal can be reviewed to make a site specific inquiry as to if the drive-through meets all of the Special Use criteria for the proposed location of the drive-thru.

**Request for Approval of a Special Use for a Drive-Thru Restaurant in the C-1 Village Center**

**Compatible with Existing Development**

The Plan Commission finds that Shake Shack's request for a Special Use for the proposed drive-thru restaurant will be compatible with existing development and should not impede the orderly development and improvement of surrounding

properties. The Plan Commission finds the proposed use is a good use of a commercial property that has been a restaurant for many years, and will be compatible with the existing development in the area. The Plan Commission finds the petitioners have developed a well thought out plan for the proposed drive-thru restaurant and it will be an asset to the Village. The Plan Commission finds the proposed drive-thru restaurant will be a benefit to the Village and finds it will fit well in this location. They find the property is suitable for the proposed use.

The Plan Commission finds the proposed drive-thru restaurant will not have an adverse impact on surrounding properties. The Plan Commission is pleased that many changes have been made to the petitioner's plans since their first meeting with the Plan Commission on October 27, 2022. The petitioner revised their plans after the Plan Commission's input as well as the input from the surrounding property owners. The Plan Commission reviewed these changes at their January 12, 2023 continued public hearing which includes: relocating the Waukegan Road access drive so it is out of the Village streetscape easement and away from the ComEd utility pole; having one outbound left turn lane, one outbound right turn lane and one inbound lane in the Waukegan Road access drive; installation of a 7' high wood fence and increased landscaping to enhance the screening from neighbors to the south and the west property lines; relocated the trash enclosure in order to screen it from the street; and reducing the length of the drive-thru from stacking for 23 cars to stacking for 18 cars. The Plan Commission recommends changing the closing hours to 9:30PM on Sundays through Thursdays and 10:00PM on Fridays and Saturdays and finds these hours are reasonable and appropriate. They also recommend to have deliveries and garbage pickup only occur during the hours of 7:00AM – 10:00PM and are pleased the petitioner is willing to abide by these changes.

The Plan Commission is also pleased with the changes to the signage which include eliminating signs over the canopies for the north and east building elevations with replacing with wall signs; removing the wall sign on the west (rear) building elevation; reducing the height and sign area of the monument sign; relocating the monument sign from the north side to the south side of the Waukegan Road access drive. The Plan Commission was pleased that the changes to the signage resulted in no request for variations. The Plan Commission finds



the proposed size, location, placement of the signage as shown on the updated signs plans is a good plan that provides the visibility and identity for Shake Shack's restaurant image, but at the same time is tastefully done and is compatible with this commercial area and fits with Deerfield's character.

### **Lot of Sufficient Size**

The Plan Commission finds the subject property is of sufficient size for the proposed use. The Plan Commission finds the property is suitable for the proposed use and it will not create a negative impact on surrounding properties. The Plan Commission finds there is appropriate stacking for the drive-thru and the two access points provides for good distribution of vehicles coming in and going from the site.

### **Traffic**

Following the October 27, 2022 Plan Commission Public Hearing, the Village Manager's office engaged traffic consultant Kimley Horn to review the petitioner's Traffic Impact Study (TIS) prepared for the proposed Shake Shack restaurant and drive-thru. Kimley Horn review concurred with petitioner's TIS findings, in particular: the findings regarding the existing conditions; traffic assignments; capacity analysis; stop sign control for exiting traffic at site access drive; and that there are more than adequate gaps to accommodate traffic from Central Avenue and the access drive. Based on the conclusions of the petitioner's TIS and the traffic review (which both involved traffic consultants with many years of experience), the Plan Commission finds the proposed use should not create traffic problems on the subject property and should not have an adverse impact on surrounding properties. The Plan Commission finds the traffic generated by the proposed restaurant will not have an adverse impact on the area. The Plan Commission finds the traffic will flow well on the site and through the parking lot. They find the drive-thru operations will work efficiently and there is an ample amount of stacking available.

### **Parking and Access**

The Plan Commission finds that parking will be adequate for the proposed restaurant. They find the proposed restaurant should not create a parking problem on the property and will not adversely impact parking in the area. Half of the business (50%) is done through the drive-thru and the proposed pre-order and menu boards will make for an efficient drive-thru facility. The proposed parking meets the requirements of the zoning ordinance and a variation is not needed. The Plan Commission finds the parking on the property will work well for the restaurant patrons.

The location of the Waukegan Road site access point for Shake Shack is proposed to be relocated farther away from the Central Avenue and Waukegan Road intersection, creating more space between that intersection and the new Waukegan Road site access point. The Central Avenue access point for the restaurant will remain in its current location. The Plan Commission finds the proposed Waukegan Road access drive with one outbound left turn lane, one outbound right turn lane and one inbound lane along with the existing Central Avenue access point will provide for an efficient distribution of traffic entering and leaving the site.

### **Effect on Neighborhood**

The Plan Commission finds the proposed restaurant should not be significantly or materially detrimental to the health, safety, or welfare of the public or injurious to other property or improvements in the neighborhood, nor should it diminish or impair property values in the surrounding area. The Plan Commission finds the proposed restaurant use will not have an adverse impact on surrounding properties. The Plan Commission is pleased the petitioner changed their plans based on feedback with the addition of installing a 7' high wood fence to enhance the screening from neighboring properties to the south and the west and further creating a landscape buffer in the southwest corner of the site with increased plantings. The Plan Commission is pleased that the petitioner also changed their plans based on the input from the first meeting with the Appearance Review Commission with the wall signage location and size; relocation of the trash

enclosure in order to screen it from the street; and adapting a material and color palette that establishes their corporate identity while aligning with the ARC comments.

The Plan Commission finds that changing the closing hours to 9:30PM on Sundays through Thursdays, and 10:00PM on Fridays and Saturdays is reasonable and appropriate and will help to lessen the impact on the neighborhood. They are also pleased that the petitioner is willing to have deliveries and garbage pickup only occur during the hours of 7:00AM – 10:00PM.

The Plan Commission finds that the proposed restaurant will be a good use and will be an asset and benefit to the area and the Village as a whole. The Plan Commission finds the restaurant fits well at this location. The Plan Commission is pleased that the vacant property will be developed with a use that will enhance the area.

### **Adequate Facilities**

The Plan Commission finds that adequate facilities (access, utilities, storm water etc.) will be provided for the proposed Shake Shack restaurant.

### **Adequate Buffering**

The Plan Commission finds that proposed landscaping and buffering on the subject property is adequate and sufficient. The Plan Commission is pleased the petitioner took the feedback and are now proposing a 7' high wood fence in the southwest corner extending north along most of the west property line and east along half of the south property line, and a landscape screen of arborvitae (6'-8' in height) in the southwest corner of the property, and at the south side of the trash enclosure. The Plan Commission is pleased that the petitioner plans to keep some of the existing trees at the north end of the site that are not affected by the construction of the restaurant, and adding canopy trees in the landscaped parking islands. The Plan Commission finds the landscaping along the drive-thru lanes and around the south building elevation will enhance year round visual interest around the site.

**Not Injurious to the Character of the C-1 Village Center District as a Retail Center**

The Plan Commission finds the proposed Shake Shack restaurant and drive-thru should not be injurious to the character of the C-1 Village Center District as retail center. The Plan Commission finds the proposed restaurant is replacing a former restaurant and the use is appropriate. The new restaurant will also generate sales tax for the Village and continue to bring customers to the Village Center. The Plan Commission finds the restaurant and drive-thru fits well in this location.

**Request for Approval of Menu Board for a Shake Shack Restaurant at 560 Waukegan Road**

In 2014, the Village Board approved Ordinance O-14-13, which allowed the Village to review menu board of a case by case basis. The ordinance did not place specific restrictions on menu board signs, but rather allowed each menu board sign to be evaluated on a case-by-case basis. The Village believed that each site is unique and they should have the flexibility to evaluate what is a suitable and appropriate in regards to number, area, location, height and lighting of a restaurant drive-thru menu board sign at each site.

The Plan Commission reviewed the proposal for the Shake Shack drive-thru pre-order and menu board screens and finds the proposed pre-order and menu board screens improves the efficiency of the drive-thru and the proposed directional signs improves the safety of the drive-thru lane operation. The Plan Commission is pleased that the petitioner has agreed to abide by the illumination brightness of the screens to between 500-1500 nits (same brightness level approved for the McDonalds drive-thru menu board approved in 2019 and Starbuck confirmation screen approved in 2022) for the new pre-order and menu board screens.

**RECOMMENDATION**

**Text Amendment**

Accordingly, it is the recommendation of the Plan Commission that a request for a Text Amendment to Allow a Drive-Thru Restaurant in the C-1 Village Center District as a Class B Special Use, be approved.

Ayes (7): Crist, Goldstone, Keefe, Lubezny, Schulman, Stolman, Bromberg

Nays (0): None

**Special Use**

Accordingly, it is the recommendation of the Plan Commission to approve the request for a Class B Special Use to Permit the Establishment of a Shake Shack Drive-thru Restaurant with an Outdoor Seating Area and the menu boards at 560 Waukegan Road, with the following conditions:

1. The restaurant and drive-thru operation close at 9:30PM, Monday through Thursday, and 10:00PM on Fridays and Saturdays.
2. No deliveries between the hours of 10:00PM and 7:00AM.
3. No garbage pickup between the hours of 10:00PM and 7:00AM.

Ayes (7): Crist, Goldstone, Keefe, Lubezny, Schulman, Stolman, Bromberg

Nays (0): None

**Menu Board**

Accordingly, it is the recommendation of the Plan Commission that the petitioner's request for approval of new menu boards with the brightness level for the proposed menu board between 500 minimum NITs to 1,500 maximum NITs, be approved.

Ayes (7): Crist, Goldstone, Keefe, Lubezny, Schulman, Stolman, Bromberg

Nays (0): None

Respectfully submitted,

Al Bromberg, Chair

Plan Commission

**RECOMMENDATION**



VILLAGE OF DEERFIELD

TO: Mayor and Board of Trustees

FROM: Plan Commission

DATE: January 12, 2023

RE: Public Hearing on the Request for an Amendment to the Rosebud Restaurant Special Use to Permit the Expansion of the Rosebud Restaurant into the Adjacent Unit B Tenant Space in the 711 Deerfield Road Building in the Deerfield Square Shopping Center

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**Application History**

Public Hearing Publication Date: December 22, 2022

Planning Commission Public Hearing Date: January 12, 2023

**Zoning Actions**

The Deerfield Plan Commission conducted a Public Hearing to consider the request of Rosebud Deerfield, Inc. and Kirby Limited Partners for an amendment to the existing Rosebud Restaurant Special Use to expand into the adjacent Unit B tenant space in the 711 Deerfield Road building.

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We transmit for your consideration a recommendation adopted by the Plan Commission of the Village of Deerfield on the request for approval of an amendment to a Special Use to permit an expansion of an existing restaurant for Rosebud Restaurant in the Deerfield Square Planned Unit Development. The Plan Commission held a public hearing on January 12, 2023. At that public hearing, testimony and documentary evidence in support of the request was presented. A copy of the public hearing and workshop minutes are attached. In support of its request, the Plan Commission makes the following findings of fact and conclusions:

## **FINDINGS OF FACTS**

### **Subject Property**

The subject property is known as Deerfield Square Shopping Center. It is zoned C-1 Village Center District and is a commercial Planned Unit Development. In 2017, Ordinance O-17-29 approved the Bartaco Restaurant Special Use for a 4,228 square foot, casual dining restaurant with approximately 735 square foot outdoor patio located in Unit A of the 711 Deerfield Road building in Deerfield Square. The Bartaco Restaurant closed in the middle of 2020 and Rosebud Restaurant assumed the Special Use in October 2020 after the staff review determined that the proposed Rosebud restaurant was substantially similar to the previously approved Special Use for the Bartaco Restaurant.

### **Surrounding Land Use and Zoning (to the Deerfield Square PUD)**

North (across Deerfield Road): C-1 Village Center District and P-1 Public Lands District – retail, public parking lots, AT&T building, and commuter parking lot

South C-3 Limited Commercial District: medical office building, (and across Osterman Avenue): C-1 Village Center District, P-1 Public Lands District and R-5 General Residence District - Post Office, One Deerfield Place senior housing apartment building, and South Commons multiple-family residential development

East (across Waukegan Road): Deerfield Village Centre mixed use retail, office, and residential development

West (across train tracks): P-1 Public Lands District, R-5 General Residence District, R-4 Single and Two-Family District – Metra parking, multi-family residential, and two-family residential

### **Proposed Plan**

The petitioners are proposing to add 1,446 square feet of interior space from the adjacent Unit B space (currently vacant) to the existing 4,967 square foot Rosebud restaurant (Unit A) in the 711 Deerfield Road building located in the Deerfield Square Shopping Center. The restaurant expansion would provide for private dining rooms and additional indoor seating capacity. The expansion will result in an additional 5-10 employees. The expansion does not affect or change the

existing outdoor patio area or the daily hours of operation (3:00PM – 9:00PM). The petitioner is proposing new awnings and window treatments for the expanded restaurant space that will tie in with the existing Rosebud restaurant exterior.

### **Zoning Conformance**

The petitioners are seeking to amend the Special Use. They have provided their responses to the Special Use criteria in their material.

### **Access**

Deerfield Square has two signalized access points off of Deerfield Road and one signalized access point off of Waukegan Road. The existing access points to Deerfield Square will remain unchanged and consists of the following: the signalized intersection north Deerfield Square access drive on Deerfield Road allows full movements in and out of the shopping center; Robert York Avenue at the north provides access to Deerfield Road and allows full movements in and out of the shopping center under signalized control. Robert York Avenue at the south provides access to Osterman Avenue and allows full movements in and out of the shopping center under all-way stop sign control. The signalized easternmost Deerfield Square access drive on Waukegan Road allows full movements in and out of the shopping center.

### **Parking**

Parking for the Deerfield Square Planned Unit Development was approved at 5 spaces per 1,000 square feet of gross floor area for retail use (i.e., 1 parking space per 200 s.f.), and 4 spaces per 1,000 square feet of gross floor area for office use (i.e., 1 parking space per 250 s.f.) with a 15% reduction for storage areas in the building (Ordinance 0-98-34 granted a variation for parking in the development). A total of 1,000 spaces (including 100 underground spaces) are provided for Deerfield Square.

When Deerfield Square was approved, the various uses in the development were to share the parking within the development. The amount of parking for the different mix of uses in the development will vary throughout the day. In other



words, the different uses in the development will have varying peak hour parking times. As part of the Special Use approval process for the proposed restaurant, the petitioners must demonstrate that adequate parking will be provided.

Sit-down restaurants require one parking space for each 60 square feet of gross floor area and carry-out restaurants require one parking space for each 120 square feet of gross floor area. The proposed restaurant expansion would require an additional 25 parking spaces based on the additional 1,446 square feet of indoor space (24.1 parking spaces for the sit-down:  $1,446 \text{ square feet} / 60 = 24.1 \text{ spaces} = 25 \text{ spaces}$ ). If the space were all retail, then a total of eight spaces would be required ( $1,446/200 = 7.23 = 8 \text{ spaces}$ ) as retail requires one parking space per 200 square feet of gross floor area).

The petitioner has provided a parking study by their traffic consultant KLOA dated June 9, 2021 to demonstrate that there will be adequate parking for the Rosebud Restaurant expansion. The parking survey was conducted on Friday, May 21, 2021 and Saturday, May 22, 2021 and records parking for every half hour from 7:00 AM to 5:00 PM. Figure 1 on page 2 shows the parking fields that were surveyed within the Deerfield Square shopping center and Table 1 on page 3 and Table 2 on page 4 of the petitioner's study summarizes the survey results.

The petitioner's plans indicates that by adjusting for vacant space at the time the study was conducted and adjusting for normal (non-Covid) conditions, the peak demand is projected to be 603 parking spaces used during the peak demand periods of the shopping center. The petitioner notes that the projected additional demand (24 parking spaces from petitioner materials) for the Rosebud expansion can be accommodated in the existing (875+) surface parking spaces.

The owners of Deerfield Square have implemented a parking plan that requires all Deerfield Square employees to park in designated areas of the main parking lot of the shopping center. The office building employees currently park in the underground garage to allow as much surface parking for shopping center customers as possible.

### **Signage**

Deerfield Square has an approved sign criteria that the petitioners are required to

follow. The petitioners are not proposing any signage with the restaurant expansion.

### **Appearance Review Commission (ARC)**

The Appearance Review Commission reviewed the proposed 711 Deerfield Road Rosebud restaurant expansion at their November 28, 2022 meeting. The ARC discussed the exterior changes for the new restaurant expansion and believes the new awnings over the expanded space would be a nice tie-in to the existing restaurant space. They were also in favor of the proposed wood blinds on the north windows and drapes on the south windows. The ARC was also fine with the window treatments being closed during private parties. The studs from the mezzanine floor being visible from Deerfield Road was also discussed. The petitioner plans to run the new blinds all the way up to the top of the window on all windows. The ARC felt this would resolve the issue. The ARC voted 4-0 to approve the new awnings and window coverings for Rosebud.

## **CONCLUSIONS**

### **Compatible with Existing Development**

The Plan Commission finds that the proposed expansion of the Rosebud Restaurant to the adjacent space will be compatible with existing development and should not impede the orderly development and improvement of surrounding properties. The Plan Commission finds that the Rosebud restaurant is an amenity to the shopping center and the Village Center and the expansion is well planned. They find the expanded restaurant is a good use of the vacant space and will be compatible with the existing development in the area. The Plan Commission finds the restaurant expansion will not have an adverse impact on surrounding properties and is a welcome addition to the shopping center and the community. The Plan Commission finds the traffic and parking will not be adversely impacted by the expanded use.

### **Lot of Sufficient Size**

The Plan Commission finds the subject property is of sufficient size for the proposed expanded Rosebud restaurant. The Plan Commission finds the property

is suitable for the proposed use and will not create a negative impact on surrounding properties.

### **Traffic**

The Plan Commission finds that the proposed expansion of about 1,500 square feet to Rosebud will not have an adverse impact on the surrounding properties. They do not believe the expansion should significantly increase traffic volumes in the area. The Plan Commission finds the existing restaurant works efficiently with no traffic issues. No changes to the parking lot layout will be made for the expansion.

### **Parking and Access**

The Plan Commission finds the parking provided at Deerfield Square in the large parking area will be adequate. Parking within the Deerfield Park Plaza is shared by the tenants and the Plan Commission finds there is sufficient parking available to accommodate the anticipated parking demand of the proposed Rosebud expansion.

The existing access points to and from this development will not be changed for the Rosebud restaurant expansion.

### **Effect on Neighborhood**

The Plan Commission finds that the proposed Rosebud expansion will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding areas. The Plan Commission believes this vacant space adjacent to the existing restaurant is logical location for the proposed expansion, and it fills a highly visible space along Deerfield Road that is vacant. The Plan Commission finds that the proposed use will not have an adverse impact on the neighborhood. The Plan Commission finds the proposed location will work well for this use and the use will have minimal impact on the neighborhood. The Plan Commission finds that the Rosebud

expansion will be a good use for this vacant space and will be an asset to the shopping center and the Village Center.

**Adequate Facilities**

Adequate facilities (utilities, access roads) will be provided on the subject property.

**Adequate Buffering**

The Plan Commission finds that the existing buffering on the subject property is adequate for the Rosebud expansion.

**Not Injurious to the Character of the C-1 Village Center District as a Retail Center**

The Plan Commission finds the proposed expansion of the Rosebud restaurant should not be injurious to the character of the C-1 Village Center District as retail center. The Plan Commission finds the proposed expansion into the adjacent space is a good idea. The expanded restaurant will also generate more sales tax for the Village and continue to bring customers to the Village Center. The Plan Commission finds the restaurant expansion fits well in this location.

**RECOMMENDATION**

Accordingly, it is the recommendation of the Plan Commission that Rosebud Restaurant's request for an amendment to their Special Use for the expansion of the restaurant in the space immediately adjacent to the existing restaurant in the 711 Waukegan Road building, be approved.

Ayes: Crist, Goldstone, Keefe, Lubezny, Schulman, Stolman, Bromberg (7)

Nays: None (0)

Respectfully submitted,  
Al Bromberg, Chair  
Deerfield Plan Commission

**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 January 12, 2023 at Deerfield Village Hall.

Present were: Al Bromberg, Chair  
Blake Schulman  
Jennifer Goldstone  
Lisa Crist  
Sara Lubezny  
Bill Keefe  
Kenneth Stolman

Also present: Jeff Ryckaert, Principal Planner  
Daniel Nakahara, Planner  
Caitlyn Culbertson, Village Attorney

Chairman Bromberg swore in all who plan to testify before the Commission.

Commissioner Schulman moved, seconded by Commissioner Goldstone to switch the order of the agenda items and hear item number two first. The motion passed with the following vote.

Ayes: Lubezny, Stolman, Keefe, Crist, Goldstone, Schulman, Bromberg (7)  
Nays: None (0)

**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 an Amendment to the Rosebud Restaurant Special Use to Permit the Expansion of the Rosebud Restaurant into the Adjacent Unit B Tenant Space in the 711 Deerfield Road Building in the Deerfield Square Shopping Center**

Chair Bromberg asked for proof of publication and certified mailing. Mr. Ryckaert reported that the notice was published in the Deerfield Review on December 22, 2022 and certified mailing receipts were provided by the petitioner.

The petitioner Chris Siavelis with CRM Properties and Deerfield Square Shopping Center addressed the Commission. He stated that the petitioner is seeking a favorable recommendation from the Plan Commission with respect to an amendment to existing Class B Special Use for Rosebud Restaurant in the Deerfield Square Shopping Center. The proposed amendment will allow for a 1,446 square foot expansion into the existing restaurant space located next door space. The expansion will provide for private dining space as well as additional seating capacity during peak times. Mr. Siavelis noted that the floor plan as well as exterior renderings were included in the packets.

Mr. Siavelis stated that Rosebud has been operating successfully in this location since May 2021. The company information and other locations are also included in the packets. He added that there will be no additional signage. Exterior improvements include the addition of red awnings on the north and south elevations of Unit B. The Appearance Review Commission approved these improvements on November 28, 2022. The hours of operation will remain the same, which are 3 P.M. to 9 P.M. seven days a week. Mr. Siavelis stated that using the most recent Deerfield Square parking study and the Village code requirements for sit down restaurants, the excess parking supply at Deerfield Square is more than adequate to meet the additional demand created by this space. He also commented that employee parking remains unchanged. Mr. Siavelis added that they are confident that the requested amendment meets all of the Village's Special Use criteria and will meet the market demand for private dining areas and additional seating space for Rosebud Restaurant.

There was no public comment on this matter.

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

The Commissioners did not have any concerns and agreed that this was a good use of the space.

Commissioner Goldstone moved, seconded by Commissioner Lubezny, to approve the request for an amendment to the Rosebud Restaurant Special Use to permit the expansion of the Rosebud Restaurant into the adjacent Unit B tenant space in the 711 Deerfield Road building in the Deerfield Square Shopping Center. The motion passed with the following vote.

Ayes: Crist, Keefe, Stolman, Lubezny, Goldstone, Schulman, Bromberg (7)

Nays: None (0)

Mr. Ryckaert reported that this matter will go before the Board of Trustees on February 6, 2023.

**2) Continued 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) - Continued from the December 8, 2022 Plan Commission Meeting**

Chair Bromberg stated that this is a continued Public Hearing and proof of publication has already been received. Chair Bromberg reported that a traffic consultant Bill Greive is in attendance via phone due to illness.

Commissioners Goldstone and Stolman reported that they were absent at the October 27, 2022 Public Hearing on this matter, but listened to the audio of the meeting in its entirety and read the minutes in their entirety in preparation for this meeting.

The petitioner, Developer Mitch Goltz of GW Properties stated that he represents the applicant and petitioner for the proposed Shake Shack restaurant at the former Rosebud restaurant location (560 Waukegan Road). He shared that he grew up in Deerfield and much of their development team is also from Deerfield. He added that since the Prefiling Conference, they have been working to address comments and concerns and incorporate changes to the proposal.

Mr. Goltz stated that the subject property is the former Rosebud Restaurant and Baker's Square location. The site is currently vacant and has been for about a year. The survey shows it is one acre with an existing building that would be torn down if this petition is approved. He showed images of the site as it exists currently pointing out the building, parking lot, and Renu Day Spa building next door.

Mr. Goltz shared background information on Shake Shack as a company. Shake Shack is a publicly traded company based in New York with approximately 275 locations around the country and several in the Chicagoland area. This would be the first on the North Shore. He added that there are Shake Shack corporate representatives in attendance and that as a company they are great corporate citizens and do a lot in the community to give back. They also seek to bring in best practices and initiatives in their industry.

Mr. Goltz reviewed the changes and new information since the last Public Hearing. The Deerfield Fire Department, which is located next door, has given approval of the plans from a safety perspective. He also noted that they have also coordinated a traffic study with KLOA with some supplemental traffic information requested by the Village's traffic consultant who reviewed the study for validity. The consultant confirmed the findings. They also met with Renu Day Spa to coordinate landscaping and other items on the plans and met with several residents of the Coromandel community to discuss concerns about the fence, lights and other items, as well as solicited feedback from others in the community.

As a result, changes to the plans include reducing the drive-thru length and queuing, relocating the trash enclosure further, closer to the building and further away from neighbors and adding screening. There was also a supplemental traffic study conducted by a Village consultant to determine the validity and evaluate their traffic study. In addition, they implemented taller plantings, a 6 foot fence on the southwest corner to eliminate light spillage, and increased plantings and fencing on the site to reduce perceived sound from traveling off the site. Mr. Goltz showed images of the previous plan and pointed out the changes made including reducing the drive-thru length from 24 to 18 cars. Also, the new trash enclosure location will be directly behind the building. They have also shifted the Waukegan Road access to avoid a Village landscape easement and ComEd utility pole and relocated the monument sign for better visibility when entering and exiting the site. He also added that they are complying with all Village parking requirements.

Mr. Goltz stated that the site plan has been through a thorough review with their traffic consultant at KLOA as well as the Village's traffic consultant. A parking island was added to further enhance ingress and egress safety off Central Avenue. They also implemented a larger access point along Waukegan Road to create a three-lane access for a left and right turn lane out.

Mr. Goltz showed the landscaping plan pointing out the relocated trash enclosure to provide for better screening with landscaping on all three sides. They increased the planting height on the

southwest corner to further enhance buffer from neighboring properties, as well. Mr. Goltz stated that the site had landscaping previously and they have added more trees on top of existing vegetation, as well as a 6 to 8 foot berm between the site and Coromandel. They also added a fence that will block all visibility. They have coordinated with the Fire Department and Renu Day Spa on the location of the fence and how long it will extend along the property borders. And lastly, they have reduced the number of trees along Waukegan Road to increase visibility and increase traffic safety. They are adding more landscaping than exists today and they will meet all code requirements for landscaping. They prioritized protecting four existing trees along Central Avenue and one tree along Waukegan Road.

Mr. Goltz reviewed the photometrics which meet all code requirement and include zero bleed LED lights, which means all lighting will stay contained on the site and there will be no light emanating off the property onto Waukegan, Central or any nearby properties.

Mr. Goltz reviewed the elevations which include some changes as a result of working with the Appearance Review Commission. The original design has been modified and the Shake Shack logo and drive-thru sign will now be affixed on the building instead of on top of the roof line. Some colors have also changed on the elevations and all signage has been moved to the brick itself. They also added a lot of brick to coordinate better with existing buildings in the area. Mr. Goltz showed images of the original planned elevations and after modifying the plans. He also showed the proposed monument sign along Waukegan Road which also complies with code.

Mr. Goltz reviewed the proposed renderings of the interior. He shared that this is the newest Shake Shack corporate prototype and will have some similarities to other restaurants. He also showed renderings of the outside and pointed out the outdoor patio available to customers most of the year. He showed renderings of the front facing Waukegan Road, the outdoor seating on the side, and the back of the building from where you enter the drive-thru, as well as the sides of the building.

Mr. Goltz summarized that they made a lot of changes to the plans and addressed comments and questions while collaborating with the Village, consultants, and the community. He shared that trash pickup will be daily and possibly twice a day if needed. He added that they are looking to be a good partner in the community and want to serve customers and the community.

Chair Bromberg explained that the Commissioners will first ask questions of the petitioner, and the Village's outside traffic consultant will report out. After this, the petitioner will have the opportunity to respond and then public comment will then be opened. Public comment speakers will be limited to three minutes each. And public comment is not a question and answer format. At the end of the presentation the petitioners will have the opportunity to respond to any comments made. Chair Bromberg asked for questions and comments from the Commissioners.

Commissioner Lubezny asked if the Waukegan Road access still needs to be approved by IDOT (Illinois Department of Transportation). Mr. Goltz replied that yes, because Waukegan is under the State's jurisdiction, this is an IDOT road and the plans will have to be approved by them. He added that they have a good case to keep the access the way it currently is as it is full access, even though they are moving the curb cut along Waukegan Road. Chair Bromberg added that if this proposal goes forward, it will be contingent on IDOT approval.

Commissioner Schulman asked if IDOT needs to approve moving the access road further north or changing it from two lanes to three lanes. Mr. Goltz replied that any change to access or use



will trigger IDOT review. And in this case, moving the access drive further away from the Waukegan Road and Central Avenue intersection is best practice.

Commissioner Schulman asked about the hours of operation. Mr. Goltz replied that it is not a late night business, but they like the possibility of being open until 11 P.M., however they will shorten the hours if there is not enough business late at night. Commissioner Schulman commented that for the benefit of the neighbors he may like to see shorter hours at night. He also asked about the timing of deliveries. Andrew Bloom stated that he has been with Shake Shack for almost 10 years. He replied that the requested hours of operation would be until 11 P.M., but this typically only happens in an urban location. The Vernon Hills and Old Orchard locations shut down at 9 or 9:30 P.M. based on demand. He stated that if the market does not call for later then they will not be. Mr. Bloom stated that this is all negotiable, and they will work with what the Village requests. He also replied that deliveries are always in the morning, and they will work with the Village's preference. They dictate to vendors when they want deliveries to occur. Mr. Ryckaert stated that there is a Village noise ordinance that states no loud noise when delivering, but there are no specific hours required. However, in the past this ordinance has been interpreted as no overnight delivery from 11 P.M. to 7 A.M. Commissioner Goldstone asked what was imposed for delivery hours at Cadwell's Corner. Chair Bromberg replied that they were more restrictive with delivery hours there as it had been with Fresh Thyme due to disruption to the nearby neighbors. Mr. Goltz stated that deliveries will not be late at night or early in the morning and will be during daytime hours.

Commissioner Schulman confirmed that they will limit employee and customer parking to be on premises and not on neighboring streets.

Commissioner Crist stated that she appreciates the changes made including to the trash enclosure and adding more screening. She stated she is not in favor of the possible 11 P.M. closing time. She also stated that she would be in favor of limited deliveries to be between 7 A.M. and 10 A.M. Mr. Goltz replied that they would be agreeable to these requirements if imposed.

Commissioner Crist suggested that the drive-thru close earlier and the restaurant be walk in only during later hours. Mr. Goltz replied that it is common practice for the drive-thru to remain open later and for the dine in to close earlier. He added that more employees are needed for dine in and late at night most customers are going through the drive-thru. Mr. Goltz does not see this option (closing drive-thru operation earlier and keeping indoor dining open during the later restaurant hours) as being feasible.

Commissioner Stolman stated that his biggest concern is the queuing and traffic build up off of Central for the drive-thru. He asked the petitioner to explain why they shortened the drive-thru length and queuing. Mr. Goltz replied that it was meant to show the capacity that can be established before it bleeds out onto the street or neighboring properties. However there is no expectation that there would be 20 cars stacking, so it was shortened, and 18 cars is still a considerable amount of space in the drive-thru lanes. He added that the double drive-thru is meant to help with restaurant efficiencies, as well. It was shortened to meet the need more accurately. And in doing so, they picked up some landscaping and improved traffic circulation.

Commissioner Keefe stated that he is also concerned about the 11 P.M. closing and would like to require this to be earlier. He previously had a concern about the source of the information used to size the drive-thru stacking, and now he thinks the updated traffic study concurrent with

the Village consultant answers his questions. Mr. Goltz replied that peak times are during dinner and lunch, and there is no scenario where it will be a late night hang out. They would not be busy until 10 P.M., it would only stay open as an option for food later at night.

Chair Bromberg asked what kind of barrier will be around the outdoor seating area to protect customers sitting there from traffic. Mr. Goltz replied that typically there is either a fence or some sort of permanent barrier. There will be a raised curb and either planters, a fence or some sort of permanent structure to enclose the outdoor seating area.

Chair Bromberg asked for the gap analysis to be explained and what their data showed on the gap analysis. Traffic Engineer Luay Aboona of KLOA replied that as part of the traffic study they looked at a variety of things to determine how the intersection operates. And when there is an unsignalized intersection close to signals to the north and south, they try to establish the availability of gaps or interruptions in the traffic flow. Because when traffic is stopped at either signal, it creates gaps between the platoons of traffic. And when they do the capacity analysis in the traffic study, it typically does not take that into account and assumes random arrival of traffic. So, they do field measurements where they actually measure those interruptions. The frequency of the gaps between the platoons of traffic and how long they are and then depending on the length of each gap. The standard calculation is a gap of 7 seconds allows 1 car to make a left turn out. They reviewed a one hour period and measured how many 10 second gaps, 10 to 15 second gaps, and 15 to 20 second gaps, and so on. With that information, they then established how many cars can make those left turns out and compared this to the projection based on the trip generation analysis. The conclusion was that there are more than sufficient gaps to accommodate the projected left turns at Central Avenue as well as the access drive on Waukegan Road.

Commissioner Crist confirmed that alcohol sales is not allowed in the drive-thru. And also confirmed that they have received Fire Department approval of the plans after their review. Mr. Goltz replied that they worked with them to coordinate the fence, and as far as safety concerns with fire trucks, the light at the fire station is 100 percent controlled by the fire station. So, if they ever need to leave, that light turns red. And there is no concern that operations could interfere with safety.

Chair Bromberg asked Village traffic consultant Bill Grieve from Kimley Horn to provide the findings of his review of the petitioner's traffic study. Mr. Grieve stated that he reviewed the information provided in three traffic reports from November 2022, December 2022, and January 2023. He found that the KLOA study was well prepared, follows ITE and IDOT standards and concurred with their findings regarding existing conditions. He was pleased to see that they updated the study to incorporate findings regarding trip generation and trip distribution. And he also asked them to update the study to use the ITE generation rates rather than the localized Shake Shack generation rates. He also suggested looking at trip distribution again. In doing this, he concurred with their traffic assignments and as Mr. Aboona mentioned, the capacity analysis, which is the key factor in conducting a traffic impact study. Mr. Grieve also concurs that there are enough gaps in traffic to accommodate Shake Shack traffic turning left onto Waukegan Road. It is a busy road, but there are traffic signals north and south of the 560 Waukegan Road property. Mr. Grieve added that there may still be situations where there are large openings to make left and right turns out. He stated there is a similar situation on Milwaukee Road where ABT store is located. There is also a lot of traffic, but the lights create situations with openings in both directions.

Mr. Grieve recommend that the Waukegan Road access drive should be full access throughout the day. He would like KLOA to check the IDOT BDE manual to see if there is a possibility of a northbound left turn lane on Waukegan Road that would be warranted. He stated that Waukegan is an IDOT road, so they typically ask for this test to be included in a traffic impact study. He stated that they agree that the Waukegan Road access drive should have two outbound lanes. He stated that the site plan is well designed with good internal circulation to guide site traffic to the access drives on Central and Waukegan. The parking provided exceeds Village standards. Drive-thru stacking is also plentiful which will help accommodate what will be a bit longer transaction time than typical fast food. He added that the site plan has updated to include removing the two parking spaces nearest the Central Avenue access to avoid conflicts as people might be maneuvering in and out of those parking spaces as people are coming in and out of the Central Avenue access.

Mr. Grieve stated that they conclude that overall this is a good project and KLOA has done a very good job at making sure that they have addressed their initial issues and questions. Chair Bromberg asked if he anticipates any issues with IDOT based on his experience. Mr. Grieve replied that he would initiate IDOT review by submitting the site plan and asking for preliminary approval. IDOT will be interested in the test from their BDE manual to see if a left turn lane might be required. He thinks moving the driveway on Waukegan Road from where it is now further south is helpful. Also as the site was used for a restaurant and is just changing to a different type of restaurant and that there currently have a full access driveway on Waukegan Road for a long time, hopefully the IDOT review will go smoothly. Commissioner Schulman commented that he thought he read in the materials that there is not enough width on Waukegan Road for a dedicated left turn lane into the site. Mr. Grieve replied that they may have to show this to IDOT if that's the case.

Chair Bromberg opened public comment on this matter. He reiterated that speakers are asked to keep their comments to three minutes each and refrain from clapping, cheering or booing. Commissioner Schulman added that the Plan Commission has received all written comments and read them all, and these comments do not need to be reiterated.

David Loughnang of 538 Milford stated that he is a resident of Coromandel. He commented that he is speaking in objection to allowing a drive-thru, but he has no issue with a restaurant or Shake Shack. He shared that he reviewed a Shake Shack summary of information about the 10 Shake Shack's in Illinois which talks about their operations. Only two of the 10 in Illinois have drive-thrus. Those two are in Vernon Hills and Oak Lawn. Both are adjacent to and part of large commercial areas with large shopping centers. They are very different than this location in Deerfield, which is primarily residential. If it is allowed, they are shoehorning it into a small area, like 10 pounds of potatoes into a 5 pound bag. He commented that the Vernon Hills location is part of the Melody Farms Shopping Center, and the drive-thru was recently added. He stated that there are many more lanes of traffic on Route 60 as you head west, which is very unlike Waukegan Road. And there are many areas for parking throughout the entire shopping center, which has no residential close by. This is very different. Here it is imposing on residents who are used to a certain amount of traffic on Waukegan, and it is still nowhere as busy as Route 60 and Milwaukee Avenue. He added that there is disingenuous information on hours, and only one in Illinois is open until 11 P.M, and Vernon Hills and Old Orchard close at 9 P.M. And the drive-thru only in Oak Lawn is open until 10 P.M. on weekends only. He asked what happens if they are wrong about the traffic and reiterated that this does not fit in this location.

Steve Stern of 502 Milford in Coromandel stated that he now understands the gap analysis better. He asked if it takes into account the high volume in the peak times of lunch and dinner. He also commented that in the materials it states they will have more than 70 customers an hour at peak times. And even if half have to make that left turn out, if there is enough time in those peak periods. Also, the materials indicated that the Plan Commission can impose turn restrictions even if not imposed by IDOT. He asked what happens if this is needed after the operation is running and it was not required in advance.

Jay Laff of 523 South Commons commented that he had expectations of a safe and quiet retirement with protection provided by the Fire and EMS Department. He is 80 years old and concerned that he may need first responder support. And he hates to think that the ambulance or fire truck could be sitting on Waukegan Road waiting for a few cars who are backed up waiting to get into the drive-thru. Also, Central Avenue as a major access denies him a quite easy turn and forces him to go another route and takes away the joy that he had hoped for in living in this location. He commented that Shake Shack may be a fine restaurant, but the drive-thru creates a myriad of issues that he did not anticipate, and he does not support this.

Neil Krupp of 341 Milford commented that he moved to Deerfield 50 years ago and invested in the community when Lake Cook Road was not a paved road. He eventually moved to Coromandel, which was a quiet community. He commented that what has not been addressed yet is property values. He is concerned about the effect of a restaurant on property values. He stated that the clientele of Shake Shack are not the type of people that he would invite to be a part of the community. He stated that this makes it a transit community. And he feels there are many concerned about their home market values and what a restaurant like Shake Shack with a drive-thru would have on this. And the Village should also be concerned about this. He added that he does not think Deerfield's neighbor to the east would consider this type of environment for a restaurant.

Morry Dwyer of 398 Milford stated that he was one of the first Coromandel residents. He wants to congratulate Shake Shack for recognizing the economic value of locating its restaurant in Deerfield and he thinks it will be welcomed. As a patron of the original Rosebud and its new location, he thinks it is important that we attract these kinds of businesses to the community. He stated that Deerfield is more in need of that type of restaurant in the downtown area. But he has questions about the hours of operation. He thinks the Plan Commission should mandate that they close at 9 P.M. as Rosebud did in this location. He also has an objection to the drive-thru. He commented that Portillo's has two lanes available, and they cannot even accommodate the demand. He suggests that the Commission consider rejecting the proposal for a drive-thru as he doesn't think it is necessary for the success of this restaurant. And he believes the hours should be until 9 P.M.

Lacy Edelstein of 528 South Commons stated that she has questions about the access onto Central. She asked what happens when people are coming out of Shake Shack and there are cars lined up from Waukegan Road west going to their homes. She commented that this could be a bottleneck.

Naomi Jaffe of 36 Kelburn in Coromandel stated that she is most bothered by the hours. No restaurants are open past 9 P.M. and there is no reason for this one to be. And she is worried about traffic in and out and the fact that there is a drive-thru. She thinks it would be more of a draw as a regular restaurant and is worried about the traffic. She is concerned the drive-thru will

cause more accidents as there will be more frequent cars in and out. She thinks this should be considered.

Jeff Hertz stated that he is a resident of Riverwoods, formerly of Deerfield. He is speaking in support of the plan and all parts of it including the limited hours discussed by the developer. He understands that there is a geographically focused objection. But he feels it benefits the community at large. And it would be nice to visit this location rather than driving to Vernon Hills. There is a benefit of attracting a business like this with their business plan versus not wanting to be in Deerfield. He commented that the Portillo's location was a vacant restaurant for 15 years and we would not want this to happen again. And the benefit for the entire village seems to outweigh the potential negatives. And as a resident of the surrounding area, he is in support of this proposal as many others are, as well.

Felix Moran of 731 Central Avenue commented that it is a great plan but in the wrong location and it should be in the C-2 not C-1 District. He commented that he learned today that there will be garbage pickup daily and maybe more than once daily adding to the traffic. And deliveries will likely also be daily, which he is concerned about. KLOA and the Village consultant stated that traffic within the site appears to flow. However he has concerns about the left turn onto Waukegan Road, as the left turn lane will back up because during high traffic times there will be minimal gaps. And the 18 cars that may be stacked will likely back up and block vehicles trying turn to go southbound. He is also concerned that all the traffic studies are field studies that have not addressed the line of sight turning left from Central Avenue. It is a 60 degree, not a 90 degree left turn and the walls in the cemetery block the view and limit visibility.

Tom Kalebic of 711 Central Avenue stated that his concern is the drive-thru. And from Central, the left onto Waukegan is very difficult due to visibility. He commented that 50 percent of their customers could be drive-thru which will increase traffic making a left from Waukegan into restaurant or onto Central. He already goes the back way to Deerfield Road to turn south on Waukegan Road. He commented that people may be waiting there for several minutes. There is a drive-thru at McDonald's down the street, but there is a stoplight, and it is surrounded by all commercial not residential. He also commented that there is no summary rating in the traffic study for Central Avenue as there is for Osterman. And with increased traffic with the drive-thru being 50 percent of business, it is not like Rosebud where people got there and stayed there. This will be a constant flow of people coming and going quickly and the left turn from Central onto Waukegan is already very difficult.

Harris Klein of 480 South Commons stated she lived there through Baker's Square and Rosebud and with this proposal has a problem with the drive-thru. She stated that she implores the Commissioners to try to turn left from Central onto Waukegan. It is a dangerous turn and not a 90 degree angle and there is a column in the cemetery blocking the view. Even turning right is not ideal. Now there will be more cars with the drive-thru. Another situation is that Waukegan Road has a 40 mile per hour speed limit then drops to 30 near this site, and cars pile up behind and barrel in causing accidents. This is a dangerous location for a drive-thru. He added that Portillo's and McDonald's are in commercial areas, and this is residential. He stated that his kids are not allowed to make that turn as it is dangerous and they are now adding more cars with the drive-thru.

Phil Fine of 392 Milford in Coromandel commented that this is totally inappropriate for this area with the drive-thru. He asked if installing a light at Central has been considered as it seems that left turn will be a problem both in and out of the site. Although he realizes this would be three

lights in a row. He commented that it is good that the Fire Department is so close as they will need them for accidents making that left turn. He commented that a 6 foot fence was mentioned and asked if they might consider a 7 foot fence. He is in favor of the 7 foot fence with residents in the area, as well as adding a traffic light at Central and Waukegan. And he asked if there is not enough room on Waukegan to make a left turn into the site and IDOT requires this, does that mean the project is dead or do they consider alternatives, and asked what happens in that situation.

Julie Boyer of 515 South Commons stated that she agrees that the left turn going onto Waukegan from Central is dangerous and she also goes to Osterman to do so. She commented that the drive-thru will have a negative impact and she requests that the Commission listen to the valid concerns of residents and taxpayers who will be impacted. She requests that they make the decision based on how it will impact the immediate community.

Ruth Parciak commented that she has lived in the row homes for 16 years. She is skeptical about the traffic experts as she drives every day on Central and Waukegan and she agrees with the concerns about the left turn from Central. She added that she is also scared to make a right turn onto Central when it's snowing and this should also be considered. She also sees people walking in the area, and she walks down Central and Waukegan often and doesn't know that they can do that anymore, as they will have to cross a drive-thru and exit lane. She commented that she was proud to move to Deerfield and to live in a nice community. But if it were today and she was looking to move here and there was a Shake Shack there, she would not even consider it.

David Levine of South Commons commented that the site is 1.04 acres, which he thinks is too small. Shake Shack said they have 18 to 25 workers per shift and parking is not sufficient for this. He commented that the Fire Department stoplight is always green and if they want to have a gap in traffic maybe it could be a normal stop light. He loves the idea of a northbound left turn lane but there may not be enough room. He stated that he does not want Deerfield to be the a guinea pig for Shake Shack to learn the demand. He added that a drive-thru does not foster community which is not a benefit and not what Deerfield is about.

Ava Mendelson of Coromandel stated that she agrees with the concerns shared about the left turn off Central onto Waukegan. She added that there will be more people coming in and going out and it will be a mess. One morning it took five minutes to make the left turn, and many will have to wait to get out which will cause a major mess with the drive-thru. She agrees to have a restaurant only, but not a drive-thru. And she is concerned about having kids there late at night after drinking and hanging out.

Andie Colusna of Coromandel stated that she lives right by the site, and it has been quiet since Rosebud closed. She commented that she would hear all of the trash pickups and delivery trucks. And she has some questions about the hours for garbage pickup. She wants it to be during the daylight hours to be less disruptive. She also wants to clarify if the fence will run the entire western exposure of the property as she is concerned about the lights spilling over. She also expects to be seeing lots of headlights if there is a drive-thru. She stated that she has no objection to having a new restaurant but just to the drive-thru for all reasons already stated in comments. She would also like to a closing time of 9 P.M be required.

Abby, resident of South Commons shared that she just moved to Deerfield. She stated that it is a very quiet neighborhood, and this will bring immense traffic. The turning issue is serious with

no restaurant there at all right now. She also implores Commissioners to do the turn themselves and see, as it is not easy with nothing there. She believes this does not belong in this location. It's like fitting a circle into a square. And comparing to Portillo's and Chick-fil-A, this does not belong in a residential area with houses right there. She added that she enjoys the safety when walking her dog late at night in the residential neighborhood. And does not want a Shake Shack open until 11 P.M. She feels it will bring excess noise and she doesn't support this operation in this location and also opposes the drive-thru.

Charlie, a youth living at 915 Birch Court stated that he understands that some don't want this to come. But it will be a great addition to our community and a place for families to gather and make memories and have fun. He hopes his school uses them for hot lunch and their shakes are delicious.

Peter Beagle of South Commons asked that the Commission consider property values and the value in tax revenue to the Village in their decision.

Don, a resident who lives on Somerset in Deerfield commented that the first thing he thought of when he heard of this drive-thru restaurant is that he doesn't want to live in Wheeling. He commented that it is close to a senior home and people walk in the area and the area doesn't need all this traffic in and out of this site. He agreed that the turn from Central to Waukegan is bad. He stated that Deerfield has always been a community to be very proud of and he would like to keep the value of the town, aesthetically and monetarily.

This concluded public comments and Chair Bromberg asked the petitioners to respond to any comments. Mr. Goltz stated that they discussed lowering the hours to not be 11 P.M. and they will agree to this. He commented that this site is indicative of the past and was a very successful Baker's Square for a long time. That concept slowed down as did many are other restaurants. They now have a restaurant site that has been vacant for a while. He commented that his company develops across the country, and this is their backyard. He stated that consumer behavior has changed and a reason there is not a lot of Shake Shack drive-thrus is because it is something that Covid accelerated the need for. He added that this does not just apply to Shake Shack, Carson's down the street, which was a full service sit down restaurant, now has a drive-thru element. It is how businesses are evolving to adapt to consumer behavior. This Shake Shack location will be a large restaurant with lots of indoor and outdoor seating. It will be a great place to gather with family and will serve the community. It is a community-oriented business trying to locate in Deerfield because it is a successful brand in the marketplace. The Vernon Hills location is very successful, and it was modified to include a drive-thru because they saw the need in the market. Many restaurant chains are doing this, and it is where the industry is headed. It is how customers are choosing to get their food and how many businesses are taking their customers.

Mr. Goltz stated that traffic is a pain everywhere and this is part of life. They designed this site safely to be sure it improves the conditions on the site. This development will not solve traffic problems that have already existed for many years, but they can make sure that they incorporate best practices for traffic flow and that's what they've done. He commented that they will agree to any hours and deliveries restrictions, and trash will also be during daylight hours. He stated that the desire to have daily pickups is to alleviate concerns of odors and overflowing trash. He stated that Shake Shack is a publicly traded company and it is in their best interest to be sure to always operates smoothly. They will be a great community partner to schools and other local organizations. He concluded that he hopes that the Village welcomes them here.

Chair Bromberg asked to Mr. Goltz to clarify the height of the fence. Mr. Goltz stated that the maximum fence height per code is 7 feet tall and it will run all along the fire station and Renu. Renu has one on the property that goes all the way to the edge. This will be improved and there will be a contiguous fence along both properties. He stated that it is not possible for light to bleed through with the grade difference, landscaping and the fence. And the grading and photometrics shows this.

Chair Bromberg asked Mr. Aboona to confirm that the gap analysis took into account peak times. Mr. Aboona confirmed this stating that they looked at weekday lunch, weekday evening and Saturday lunch times for this analysis.

Commissioner Goldstone asked when commercial garbage pickup occurs in that area. Mr. Goltz replied that it is at 7 A.M., consistent with other businesses in the area.

Gail Adler, Vice President of Real Estate for Shake Shack shared that she also raised her kids in Deerfield. She has been in commercial real estate for 30 years and has opened a drive-thru Starbucks and the original Starbucks in Deerfield. She commented that Shake Shack is a community gathering place and a company that wants to stand for something good. This restaurant will have over 70 seats, a beautiful patio, and will feel like it's part of the community. She stated that Shake Shack wants to integrate into communities they are in. She stated that they will be a great community partner, and it is important to them and is consistent with the core corporate values of the company. She gave her assurance that they would run a fantastic store.

Commissioner Crist asked about IDOT approval process. Mr. Ryckaert replied that this project will eventually need IDOT approval for a new driveway on Waukegan Road because the road is under their jurisdiction. There is no Village requirement that IDOT approval is needed at this time. Mr. Ryckaert explained the Village does not have a lot of new driveways on Waukegan Road as most Special Uses that are approved already have driveways in place. Mr. Ryckaert stated that since IDOT has not approved the plans, the Plan Commission can place a condition that Village approval is contingent upon IDOT's approval. He explained that IDOT may not allow a full access and could approve only a right-in and right-out at the Waukegan Road access driveway. If IDOT's approval of the access drive is more restrictive than the Village's approval shown on the plans, then that is what has to be built.

Mr. Ryckaert explained that the Plan Commission could recommend making the Waukegan Road access drive right-in/right-out only if the commission desired to place this condition on the Special Use. He thought that the Plan Commission should make their own judgement. If the commission is okay with left turns out because the study shows gaps in the Waukegan Road traffic, then the commission can leave the access the way it is shown (full access driveway) or the Plan Commission can be more restrictive and recommend limiting this driveway to right-in/right-out.

Chair Bromberg questioned that if the Village approves contingent upon IDOT approval and IDOT does not approve, then it would have to come back before the Plan Commission with modified plans per IDOT or do they still move forward with whatever IDOT approves. Mr. Ryckaert indicated that it is what IDOT approves for this access point as it is an IDOT road and they are seeking a permit from them. Chair Bromberg questioned the purpose of the IDOT contingency. Mr. Ryckaert replied the access could be made more restrictive. Mr. Goltz



reiterated that they are showing full access because that is how it is today. But if IDOT says no left turn out, they will modify it. He added that the traffic study supports keeping it as full access and this also alleviates traffic on Central and this is what they believe will operate best.

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

Commissioner Keefe stated that he read the materials in detail, in particular the traffic studies, and considering this information and what has been at this site for a long time, he does not have an objection to the plan as it is stated other than hours of operation. He thinks 9 P.M. is a reasonable closing time.

Commissioner Stolman stated that given the information presented on traffic, noise, light, garbage, landscaping, design, fence, relationship with the Fire Department, queuing, parking standards, he is also in support of this project. However, he would also like to address the hours of operation as well as delivery hours as well as make approval contingent on IDOT approval. Commissioner Stolman stated that he supports 9 or 9:30 P.M. for closing and delivery after 7 A.M. and nothing overnight.

Commissioner Crist stated that she agrees with restricting the hours of operation as well as garbage pickup and deliveries and can support the project with these addressed.

Commissioner Goldstone stated that she is also in support of this project. She commented that the Plan Commission has to rely on professional traffic experts and they had two very reputable traffic consultants give opinions on this project. She has confidence that IDOT will not allow for a horrendous situation to happen. The approval will be contingent on IDOT approval, so she is comfortable with it. She agreed that she would like to see the hours be reduced, as well. She thinks 10 P.M. is fine, as many other restaurants are already allowed to operate until 10 P.M. She suggested that deliveries and garbage pick up to be in the 7 to 10 A.M. timeframe. She also commented that these public hearings are often about compromising and how to live with the neighbors. And Shake Shack has done a great job of listening as shown by adding the fence, landscaping and adapting hours, and she is in support of this project. She suggests a 10 P.M. closing time but would support 9.

Commissioner Schulman commented that he also wants only the best for Deerfield and will protect the neighbors. He stated that there is a lot of fear about the traffic, but they need to trust the experts. The developer has done a good job of trying to mitigate concerns with a fence and landscaping. He added that if issues come up along the way that Shake Shack will work with the Village. In terms of trash pickup, he supports 7 to 10 A.M. And closing times of 9:30 P.M. on weekdays and 10 P.M. on weekends.

Commissioner Lubezny stated that the most common concern seemed to be the hours of operation and she also supports the 9:30 on weekdays and 10 P.M. on weekends. And also agrees with having deliveries and garbage between 7 and 10 A.M.

Chair Bromberg stated that he would also support a 10 P.M. closing time. He also commented that in response to those that implored them to make the turn from Central onto Waukegan, he

assured he has done this many times. And as the petitioner eloquently stated, they cannot solve a problem that has existed for a long time. It is not an easy turn with the concrete post, but this proposal is not making it any worse. He stated it is a good project and the developers have been responsive to comments heard, and they will see what IDOT's response is.

There were no other comments from the Commissioners and Chair Bromberg asked for a motion.

Commissioner Goldstone moved, seconded by Commissioner Keefe to approve the text amendment to allow a drive-thru restaurant in the C-1 Village Center District as a Class B Special Use. The motion passed with the following vote.

Ayes: Schulman, Goldstone, Crist, Keefe, Stolman, Lubezny, Bromberg (7)  
Nays: None (0)

Commissioner Goldstone moved, seconded by Commissioner Schulman to approve a Special Use to permit the establishment of a drive-thru restaurant with outdoor seating at 560 Waukegan Road for a Shake Shack Restaurant (former Rosebud Restaurant) with the following conditions: the hours to be no later than 9:30 P.M. Sunday through Thursday and 10 P.M. on Friday and Saturdays and that deliveries and garbage pickup occur between 7 A.M. and 10 P.M., and contingent on IDOT's approval of the plan. The motion passed with the following vote.

Ayes: Keefe, Stolman, Lubezny, Crist, Goldstone, Schulman, Bromberg (7)  
Nays: None (0)

Commissioner Goldstone moved, seconded by Commissioner Schulman, to approve the proposed menu board at 560 Waukegan Road for a Shake Shack Restaurant (former Rosebud Restaurant). The motion passed with the following vote.

Ayes: Goldstone, Schulman, Crist, Keefe, Stolman, Lubezny, Bromberg (7)  
Nays: None (0)

Mr. Ryckaert reported that this matter will go before the Board of Trustees on February 6, 2023.

## **DOCUMENT APPROVAL**

1. 649 Lake Cook Road – Kohn Animal Hospital Recommendation

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

2. 405 Lake Cook Road, Unit A3 – Foot Spa Recommendation

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

3. December 8, 2022 Plan Commission Minutes

Chair Bromberg provided a correction to the minutes. Commissioner Schulman moved, seconded by Commissioner Goldstone, to approve the minutes with the correction provided. The motion passed with a unanimous voice vote.

#### **Items from the Staff**

Mr. Ryckaert reviewed upcoming agenda items and reported that the next meeting will be January 26, 2023 for document approval only. The Commission agreed to meet at 5:30 P.M. for this meeting.

#### **Designation of Representative for the Next Board of Trustees Meeting**

Chair Bromberg and Commissioner Goldstone will attend the February 6, 2023 Board Meeting

#### **Adjournment**

There being no further discussion, Commissioner Goldstone moved, seconded by Commissioner Stolman to adjourn the meeting at 9:36 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,  
Laura Boll