

**PLAN COMMISSION
VILLAGE OF DEERFIELD
Minutes**

The Plan Commission of the Village of Deerfield called to order a Public Hearing at 7:30 P.M. on February 27, 2020 at the Village Hall, 850 Waukegan Road, Deerfield, Illinois.

Present were: Larry Berg, Chairman
 Al Bromberg
 Blake Schulman
 Jennifer Goldstone
 Elaine Jacoby
 Justin Silva
 Bill Keefe

Also present: Jeff Ryckaert, Principal Planner
 Daniel Nakahara, Planner

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

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 a Request for a Special Use to Permit the Establishment of a Drive-Thru for a Pharmacy at 95 S. Waukegan Road (Chick-Fil-A, Inc. and Walgreens Co.)

Chairman Berg asked the Petitioner for proof of publication. Certified mailing receipts were provided to the Commission. Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on January 6, 2020.

The Petitioner Brett Katz of Aries Real Estate, contract purchaser for the property, addressed the Commission. Julie Sullivan of Walgreens corporate joins him as well as their parking and traffic consultant from KLOA. He stated that they are pleased to present the second half of the development at 95 S. Waukegan Road for a Special Use for a Walgreens Pharmacy drive-thru. Walgreens is seeking to open a 2,500 square foot pharmacy only store with a drive-thru. This would take up 2,500 of the total 8,000 square feet of this building at the development. They are not seeking to change anything else from the approved building; they are here for the Special Use approval as well as slight elevation changes and an exception to the Zoning Ordinance and the sign criteria.

Mr. Katz reported that Walgreens plans to make this location their 44th small format store. There are 23 open already and approximately 20 in the pipeline. The closest pharmacy only store is in Markham, Illinois. The proposed Deerfield location is close to corporate headquarters and can alleviate some business from two nearby busy Walgreens stores in Deerfield and Northbrook. The current Deerfield Walgreens fills approximately 800 prescriptions a day. They are projecting that the small format store would fill about 100 prescriptions per day.

Mr. Katz reviewed the site plan. The site plan is as it was approved when the development was approved and there are no changes being requested. He stated that they always contemplated a drive-thru on the north end of the 8,000 square foot building. He showed the updated elevations of the building with two changes made to accommodate Walgreens. On the north elevation a vertical element was moved 10 feet to the east to accommodate the location of the drive-up window. And on the west elevation, a vertical element was shifted to the left to accommodate a single tenant in this portion of the building. All building materials and heights are the same as approved. The ARC has reviewed and voted in favor of these minor elevation changes.

Mr. Katz reviewed signage plans. He stated that the Walgreens logo will be the same as seen at other stores. They will have two building signs and a sign on each of the existing monument signs on Waukegan Road and Lake Cook Road. In addition to these they are requesting two directional signs on the property that will not be illuminated and signs over the canopy stating enter, exit and the height. Mr. Katz showed the elevations as well as signage renderings and measurements. He stated that the plans meet the sign criteria for the Village as well as the criteria specific for this site.

Commissioner Bromberg asked about the words "Drive-Thru" on the direction sign. Mr. Katz reported that this wording was removed at the request of the ARC. The ARC also requested that the red lettering be the same red as the Chick-fil-A signage which they will comply with.

Mr. Katz showed renderings of the monument signs and directional signs. One original directional sign was voted down by the ARC and the one shown is subject to their review. The box around the words "Drive-Thru" was blue and the ARC requested to make it red as shown in the rendering. The directional signs will not be illuminated.

Mr. Katz reported that Walgreens will occupy the northern 2500 square feet of the 8,000 square foot building. They believe this use complements the site and the neighborhood. It is convenient for the Northshore Healthcare site next door. The use is a low traffic generator and the traffic study completed determined that the drive-thru will not be an additional burden on the corner of Lake Cook and Waukegan Roads or on either exit or entrance. He concluded that they are confident this is an appropriate use.

Julie Sullivan, Architectural Coordinator in the Store Development Department at Walgreens corporate provided an overview of the business operations. The new small format pharmacy stores were introduced due to the reduction of larger size stores and to provide pharmacy locations in rural and heavily populated areas where existing stores are busy. The small format store is pharmacy focused and will have health and wellness merchandise only. There are only about 20 open nationwide and it is still a pilot program. Commissioner Bromberg commented that having two Walgreens on Waukegan Road in Deerfield may confusing to doctors and patients confirming pharmacy location for prescriptions.

Commissioner Goldstone asked that although they are projecting 100 prescriptions per day, how will they control this if it gets much busier. Ms. Sullivan replied that they are basing this projection on existing small format stores and historical data and believe it will be accurate. She stated that she is not sure how they would address it if it gets much busier and would need more data to better answer this question. Commissioner Goldstone commented that her concern with this location is that is a much busier area than the existing full Walgreens store in Deerfield. And with the close proximity of Northshore Healthcare and Northwestern Immediate

Care, it could get more than 100 prescriptions per day and create additional traffic in the area. Mr. Katz added that although they are projecting 100 per day, most people fill two or three at a time, so it will not create 100 more cars. They will also be spaced out throughout the day. And per the traffic study, the site can handle additional traffic beyond 100 additional cars per day.

Chairman Berg confirmed that only prescriptions can be picked up at the drive-thru and not merchandise. He asked for more information on the number of trips made to the drive-thru versus going in. Mr. Katz replied that about 60 percent of the business will be drive-thru and 40 percent walk-in. He added that anecdotally, most people would park and go inside if there are more than two or three cars lined up for the drive-thru.

Brendan May, Traffic Engineer with KLOA provided a review of the traffic study. He stated that to get a feel for the existing traffic, they conducted peak period daytime and evening observations of cars queuing on the site to exit. Typically, there were one to two vehicles waiting to exit outbound from the three access drives. There was one weekday at the peak lunch hour when there were five cars lined up to exit onto Waukegan Road, but it cleared within one minute. When the north south light on Waukegan Road turns red it provides gaps for cars to exit onto Waukegan Road. Mr. May reported that to determine the trip generation expected for the Walgreens pharmacy only, they studied the store in Markham which is about 3000 to 3500 square feet and slightly larger than this store will be. They completed drive-thru observations here and found that there were two to three cars queuing on average which is consistent with regular Walgreens stores in the Chicago area. Projected trip generation for the proposed store was added to existing traffic volume and analyzed with the conditions for traffic volume. The findings showed that the projected traffic with the existing levels and cars queuing will be similar to existing conditions.

Mr. Katz thanked the Commission for their time and consideration on this matter.

Chairman Berg opened public comment on this matter.

Kenneth Smith of 1802 Walnut Circle in Northbrook reported that he is the President of the Glenbrook Countryside Property Association which is adjacent to the site. He stated that things have been great since Chick-fil-A opened and there have been no complaints. He commented that he is also a member of the Northbrook Fire Protection District which services this area. In his opinion this project looks good and emergency access looks fine.

Lisa Hoffman of 34 Greenbriar Drive commented that she has concerns about this use. She is concerned about enough space being allocated for safe entry and egress as well as adequate parking. It is already a tight area with Northshore Health and Chick-fil-A. She was there last week and had an incident in lot entering from southbound on Waukegan Road. She went to turn right to enter Chick-fil-A and someone came in from the other direction and she had to hug the right side of the curb to avoid a collision and scraped and damaged her car. She commented that it seems to be a very narrow passage and the curb seems very high. She wants to ensure that they are not trying to squeeze a square peg into a round hole and that there is sufficient space. She added that she is confused as to what the purpose is of having this smaller Walgreens. Being so close to Northshore Healthcare it may generate a lot more business than they expect creating traffic issues. In her opinion it is already a difficult convoluted traffic pattern. She stated that she would like more information about the usage and how it differs from other Walgreens and why it is needed so close to other Walgreens stores.

Dalia Jacobson of 120 Chestnut Road in Northbrook commented that she was very unhappy when trees were removed for the development of the Chick-fil-A. She and her two neighbors are not happy. It has taken away all of her privacy and she believes they cut down many trees and plants that they were not supposed to remove. She is very upset about it. She has spoken with the property landlord and has not heard back on this issue yet. It has ruined her privacy and security. Her rear windows are wide open to Waukegan Road and she sees the lights from the signs at night. The development has dramatically changed her property for the worse and she does not feel safe now. She feels that people are able to see in her bedroom and she must keep all windows covered at all times.

Chairman Berg invited the Petitioner to respond to public comments and make closing remarks. Mr. Katz stated that to address the purpose of the small format Walgreens pharmacy only store, imagine the 2000 square feet closest to the pharmacy counter of a regular Walgreens store. These health and wellness items are what will be sold in this small store. And to address landscaping, he cannot speak to what was or was not cut down. He only knows what was approved and the developer was supposed to follow what was approved.

Chairman Berg 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 who will take final action on this matter.

Commissioner Keefe commented that from everything he has heard and the size and scope of this project, it is a good fit and will have less of an impact than many other uses could have in this space.

Commissioner Silva agreed with Commissioner Keefe. Commissioner Silva added that in terms of the drive-thru and impact, this is a low impact use comparing it to other potential drive-thru uses. A drive-thru was in the original site plan and he finds that for this Special Use, traffic is the biggest concern and the traffic report adequately addresses this. But the plans seem well done and this appears to be a good use for this space.

Commissioner Jacoby agreed with the other commissioners and added that she is wondering what they can do about the landscaping along the east lot line. She asked staff if they can require that it be filled in more. Mr. Nakahara provided an overview of what has already been done. He noted that Ms. Jacobson contacted the Village last year about this issue and staff contacted the developer. When clearing this area for the retention area on the south end of the property, the contractor cleared all the landscaping to make room for the retention area and retention wall. This removed the landscape buffering for three homes to the south of the development including Ms. Jacobson's home. The property owners (Chick Fil-A) discussed with their engineer on how they could mitigate the landscape screen. The Village worked with Chick-Fil-A to come up with another landscape plan and in July of last year, the ARC approved a new landscape plan for that area which would add evergreens and deciduous trees along the fence line. The property owner has planted the trees and bushes according to the new landscape plan. Chairman Berg confirmed that the new landscape plan has been implemented. Commissioner Silva asked if this project would be with the same developer that built the first phase of this property.

Commissioner Schulman asked Mr. Katz to address this. Mr. Katz stated that Chick-fil-A self-developed the property as owners. He works as a contract purchaser and was not a part of the development phase. He confirmed that the landscaping in question on the southern end is on their property and is governed by a restricted easement which Chick-fil-A currently owns.

Mr. Nakahara showed images of the area being discussed and showed what was cleared for the detention area and retention wall. Commissioner Keefe asked what kinds of plantings were cleared, if it was buckthorn or more mature trees. Mr. Nakahara replied that the plants removed for the detention area were not plants of high quality. He displayed the area in question and noted that trees were planted at six to eight foot arborvitae and various deciduous trees.

Commissioner Jacoby commented that as she understands it, the contractor took out too much and has replaced it with new trees but nothing more will be added. Mr. Nakahara stated that the new trees planted were part of the new landscape plan that was approved by the ARC.

Commissioner Goldstone commented that her concern is that the store will be more popular than anticipated and traffic could become a problem. She commented that it might be a good idea to have a check point on that. She worries that they may be short sighted on parking and traffic patterns and it could be busier than they anticipate. Mr. Ryckaert replied that there is not a lot the Plan Commission can do to add a check point in the future if a business turns out to be busier than the estimates provided to the Village. He stated that if traffic flow exceeds the expectations for this building, it could be addressed when other Special Uses for the building come through for approval.

Commissioner Schulman commented that he thinks this a good use and hopes to see the property fully developed. If there are parking or access issues they can be addressed when future tenants appear before the Commission. Regarding the landscaping, he commented that he sympathizes with Ms. Jacobson and it looks like they tried to rectify the situation and it will take time for the new trees to fill in. He added that it looks like she has a fence and she can plant more in her yard to add buffering. He commented that this may not be solace to her, but it is the only other solution for her.

Commissioner Bromberg agreed with all other commissioners.

Chairman Berg commented that if traffic flow and stacking is not working well, it will hurt the Petitioner's business and smart business operates are cognizant of this and can govern their business accordingly.

Commissioner Bromberg moved, seconded by Commissioner Schulman to approve the request for a Special Use to permit the establishment of a drive-thru for a pharmacy at 95 S. Waukegan Road (Chick-Fil-A, Inc. and Walgreens Co.) with sign exceptions for directional signs, and subject to ARC final review of the directional signage. The motion passed with the following roll call:

Ayes: Jacoby, Silva, Bromberg, Keefe, Goldstone, Schulman, Berg (7)
Nays: None (0)

Mr. Ryckaert reported that this matter will go before the Village Board on Monday, April 6, 2020.

WORKSHOP MEETING

(1) **Prefiling Conference on the Request for an Amendment to the Carson's Special Use for Renovations to the Carson's Restaurant at 200 Waukegan Road (Carson's Ribs)**

The Petitioner Dean Carson of Carson's Ribs addressed the Commission and introduced project architects Steven Brooks and Cullen DeCuna of Kolbrook Design. Chris Carson of Carson's Ribs also introduced himself.

Mr. D. Carson provided an overview of the planned renovations to Carson's Ribs. He showed a view of the outside of the building from Waukegan Road facing west as well as the site plan including parking. He went through more images to show the existing elevations that will stay the same on the rear and sides. The front elevation will be is where the changes are planned. Mr. D. Carson also showed a schematic of the new interior plan.

Commissioner Bromberg asked Mr. Carson to specify on this image what portion of the restaurant will be enclosed and on the inside that used to be on the outside. Mr. D. Carson pointed out that where the bar will be on the northeast corner is currently an outdoor patio and will be enclosed and made to be part of the interior. This is the only addition that they are proposing. They will also do some rearranging upgrading to the interior including new bathrooms, kitchen equipment and furniture. He commented that the restaurant is due for an update.

Commissioner Bromberg asked if they would close the restaurant at any point for the renovations. Mr. D. Carson replied that he will try to phase it as much as possible but will need to close at some point for around 30 days, likely during the summer.

Chairman Berg asked the Petitioners for the dimensions of the addition and to show the new building footprint. Mr. D. Carson replied that the addition will be about 22 feet by 40 feet for a total of an 800 square foot addition. Currently there is a patio and walkway there that will be enclosed. And they will be putting in new entrances on the front for access from parking on both sides, the northern and southern sections of the parking lot. The new entrances will also have vestibules for colder months. Chairman Berg confirmed that there will no other bump outs of the building.

Commissioner Jacoby about the variation request for the 50 foot front yard setback. Mr. D. Carson pointed out this area on the site plan and stated that they are bumping out the front to add access from the north and south parking and to add vestibules to prevent cold air from rushing into the dining room when the doors are opened during cold weather. They are also adding a covered drop off on the north side for carryout orders.

Chairman Berg confirmed that part of the bump is currently a sidewalk. Commissioner Jacoby clarified that there is a waiting area inside the new entrance. Mr. D. Carson commented that they like waiting customers to congregate at the bar, but there is a small area at the entrance for waiting. Commissioner Jacoby asked about the purpose of the bump out. Mr. D. Carson stated that the purpose is to add access from both sides of the parking lot as well as vestibules for cold air.

Mr. C. Carson reiterated that currently there is only access to the front door from one side of the parking lot and it can be far for handicapped customers coming from the other side of the lot.

Additionally, when patrons enter through the current front doors, cold air comes rushing through the entire dining room which they would like to prevent.

Mr. D. Carson stated that the current entrance is too far from one side of the parking lot and they do get a lot of older customers being next door to Whitehall. The purpose of moving the front entrances to the very front of the establishment is to make it more accessible for all.

Chairman Berg asked for the size of the increased interior. It will be increased by 1700 square feet and the interior will be updated and renovated with new kitchen equipment, furniture and decor.

Chairman Berg asked about the current process for carryout business. Mr. D. Carson explained that currently customers can come to the convenience window as is to pick up carryout orders so this will not be a new practice. Carryout orders are called in ahead and there is no ordering on site for pick up. After the renovations they will go to all online ordering where orders will be paid ahead, as well. There orders can be picked up from the window or curbside service by staff members bringing it to customers' cars. There are no menu boards or microphones.

Chairman Berg confirmed that customers can also park and walk into the restaurant for pick up orders as well as pull up to the carryout window. Mr. D. Carson added that there will be designated parking spots for pick up. He stated that their entire purpose for this process and providing these options is for people who do not want to get out of their cars if they do not wish to.

Chairman Berg commented that it might be difficult to pass large orders through the window of a vehicle. Mr. D. Carson replied that the carryout window will be there as a convenience even if it is not heavily used, he is committed to offering it. Large orders will likely be brought out to cars by staff.

Commissioner Jacoby asked about the current 50 foot front setback and what the new setback would be. Mr. D. Carson replied that the current building is 50 feet from the street and 24 feet to the berm which is followed by the sidewalk and then Waukegan Road. The addition will make the new setback from the road 43 feet.

Mr. Ryckaert reported that the Petitioners would need to complete the Village process to vacate the building line which includes all members of the subdivision agreeing to this. The Petitioners reported that this process has not yet begun. Mr. Ryckaert shared that they will need to work with Clint Case at the Village on this process to discuss the standards in place for proving hardship for this variation. The Board of Zoning Appeals (BZA) will hold a public hearing on this variation request. Mr. D. Carson asked staff for more information on the process of vacating the building line and what affect this would have on their neighbors. Mr. Ryckaert replied that there are seven standards for hardship that the Petitioner must meet for BZA approval. He recommended meeting with Clint Case, Staff Liaison for the BZA and he will further explain the requirements.

Commissioner Jacoby asked staff that if vacating the building line is granted, could this mean that the neighboring cleaners could also bump out their storefront. Mr. Ryckaert replied that any business that wishes to go beyond the 50 foot setback would require their own variation and must go through the BZA process and receive approval for this. Commissioner Jacoby commented that granting this for Carson's could set a precedent for the neighboring strip mall.

Chairman Berg commented that any business would have to come in and make the case for this request.

Mr. Ryckaert explained that the Village Attorney recommended that the Petitioners can present to the Plan Commission and begin the BZA process for vacating the building line concurrently so that the Village Board would receive the Plan Commission recommendation and the BZA recommendation at the same time for their review. Mr. Nakahara clarified that the Plan Commission cannot grant the variation for vacating the building line; the BZA must hold a Public Hearing on this variation request and make their recommendation to the Village Board. If granted, the Plan Commission would then amend the Special Use for the new front yard setback.

Mr. D. Carson commented that if the process for vacating the building line is too difficult he may consider changing his architectural plans and moving the front entrance to comply, although this will not be ideal for one side of the parking lot. He was unaware of the 50 foot setback requirement until today and will meet with Mr. Case at the Village for more information. He added that he hopes Carson's does more business after their renovations and he is excited to see a younger generation of families in Deerfield. However, he still plans to make his restaurant more easily accessible for older customers who cannot get around as easily.

Mr. D. Carson commented that regarding Commissioner Jacoby's comment, the Plan Commission could look at variation requests for vacating building lines on a project by project basis. He added that their density is much less than their neighbor to the south.

Commissioner Schulman agreed that they can vacate a building line for one property and not another. Mr. Ryckaert stated that this is possible, but it would be best to vacate a building line for all properties on one site. He added that the front yard setback in the C-2 zoned area is 50 feet.

Mr. D. Carson commented that their building was built quite a while ago and has a berm and landscaping in the front yard. Their neighbors to the south only have parking in their front yard. He thinks this should be considered for their request and reiterated that he will work with Mr. Case and if the approval seems unlikely he will move the front entrance in his plans.

Commissioner Keefe asked staff if there are other examples of a request such as this being granted. Mr. Ryckaert replied that he cannot think of an example of this on a commercial property, but the Village has granted vacated building lines on residential properties that have gotten the sign offs on all in the subdivision, including one with 12 lots in the subdivision.

Commissioner Bromberg summarized that the Petitioners are seeking to make their current outdoor seating area indoors as well as make new front doors with vestibules that would bump the building out seven feet, and this creates an issue with the 50 foot setback requirement, and for this variation request they must appear before the BZA. Commissioner Bromberg asked what the next step is if it gets approved. Mr. Ryckaert replied that the Petitioners can these concurrently work with the BZA for this request and present to the Plan Commission. Both bodies recommendation would then go to the Village Board for their final decision. Commissioner Bromberg commented that he has no issues with this request, and it would be subject to what the BZA determines.

Commissioner Silva commented that it may be challenging to meet the requirements to vacate the current setback. Mr. D. Carson commented that he appreciates the Commission telling him what the hurdles could be in place before spending more money on this project. He reiterated that if Mr. Case seems to think it will be difficult, they will come up with a new plan to move forward with.

Mr. D. Carson commented that regarding their plans for curbside service, they are excited to offer this convenience and reiterated that there will be no menu board and it is not a traditional drive-thru. Commissioner Goldstone asked if this process will be new with these planned renovations. Mr. D. Carson replied that they currently offer this service to a degree and this will be more formalized. They will also move from phone orders to online orders with these plans.

Chairman Berg commented that it is a great plan, but he does not want them to get ahead of themselves in their plans before they know more about the process for changing the front setback.

Mr. Nakahara confirmed that they do not offer delivery, and asked what percentage of business is carryout versus dine in. Mr. D. Carson replied that overall, about 30 percent of business is carryout, but sometimes it is closer to 50 percent at busy times and holidays.

Document Approval

1. 2020 Zoning Map Recommendation
2. February 13, 2020 Plan Commission Minutes

The documents were approved by the Commission.

Items from the Staff

Mr. Ryckaert reported on upcoming Plan Commission agenda items.

Adjournment

There being no further discussion, Commissioner Bromberg moved, seconded by Commissioner Goldstone to adjourn the meeting at 8:54 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,
Laura Boll