

**PLAN COMMISSION  
VILLAGE OF DEERFIELD  
Minutes**

The Plan Commission of the Village of Deerfield called to order a Remote Public Hearing via Zoom at 7:30 P.M. on March 31, 2022.

Present were: Al Bromberg  
Blake Schulman  
Bill Keefe  
Jennifer Goldstone  
Lisa Crist  
Kenneth Stolman

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

Commissioner Goldstone moved, seconded by Commissioner Stolman to designate Commissioner Bromberg as Chair Pro-Tem. The motion passed with the following vote.

Ayes: Goldstone, Stolman, Schulman, Keefe, Crist, Bromberg (6)

Nays: None (0)

Chair Pro-Tem Bromberg reported that pursuant to amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may hold virtual public meetings without a quorum physically present.

Chair Pro-Tem Bromberg stated that anyone wishing to share public comment on any matter concerning the Village may do so by submitting an email to [plancommissioncomment@deerfield.il.us](mailto:plancommissioncomment@deerfield.il.us) prior to the meeting. Emails received will be read aloud during Public Comment. Any emails received during the meeting will be read during the second public comment before the end of the meeting. Chair Pro-Tem Bromberg asked that emailed response is limited to under 200 words to allow time for others to be heard and for the Plan Commission to progress through the public meeting agenda. In addition to written Public Comment, oral comments will also be permitted. Members of the public desiring to make an oral comment should click the "raise hand" button on Zoom or dial "\*9" if participating by phone to indicate you wish to speak." Chair Pro-Tem Bromberg stated that the Plan Commission typically does not immediately respond to public comments or engage in open dialogue, but they will actively listen to comments.

In accordance with the Open Meetings Act, at least one representative from the Village will be present at Village Hall and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to the Executive Order issued by the Governor, a limited number of people may gather at Village Hall for the meeting. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a first come, first-served basis. The Plan Commission will comply with all other requirements including public comment and posting the meeting agenda, which can be found on the Village website at [www.deerfield.il.us/agendacenter](http://www.deerfield.il.us/agendacenter).

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

There were no comments from the public on a non-agenda item via email, Zoom or in person.

### **DOCUMENT APPROVAL**

#### 1. Shepard Park, Pickleball Special Use Amendment Recommendation

Commissioner Goldstone moved, seconded by Commissioner Crist to approve the recommendation. The motion passed with the following vote.

Ayes: Schulman, Goldstone, Crist, Keefe, Stolman (5)  
Nays: None (0)  
Abstain: Bromberg (1)

#### 2. 728 Waukegan Road Redevelopment, Deerfield Square PUD Amendment Recommendation

Commissioner Crist moved, seconded by Commissioner Schulman to approve the recommendation. The motion passed with the following vote.

Ayes: Stolman, Keefe, Crist, Goldstone, Schulman (5)  
Nays: None (0)  
Abstain: Bromberg (1)

#### 3. Proposed Zoning Ordinance Text Amendments Recommendation

Commissioner Stolman moved, seconded by Commissioner Goldstone to approve the recommendation. The motion passed with the following vote.

Ayes: Stolman, Keefe, Crist, Goldstone, Schulman (5)  
Nays: None (0)  
Abstain: Bromberg (1)

#### 4. March 10, 2022 Plan Commission Minutes

Chair Pro-Tem Bromberg and Commissioner Keefe provided corrections to the minutes. Commissioner Goldstone moved, seconded by Commissioner Keefe, to approve the minutes with the corrections provided. The motion passed with the following vote.

Ayes: Schulman, Goldstone, Crist, Keefe, Stolman (5)  
Nays: None (0)  
Abstain: Bromberg (1)

### **PUBLIC HEARING**

#### **1) Public Hearing on the Request for Approval of an Amendment to the Deerfield Park Plaza Planned Unit Development and an Amendment to the Goddard School Special Use for Expansion Into the Tenant Space at 471 Lake Cook Road in**

### **Deerfield Park Plaza**

Chair Pro-Tem Bromberg swore in all who plan to testify before the Commission.

Chair Pro-Tem Bromberg confirmed that the petitioners provided proof of certified mailing. Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on March 3, 2022.

The petitioner Boris Kholyavsky reported that they are seeking an amendment to the current Special Use Permit to expand the Goddard School in Deerfield Park Plaza. They plan to expand into the vacant space next door which used to be a med spa and add an additional classroom. The expansion would add 1,300 square feet and enable them to accept 15 more students.

Most of the new students would be coming from current families on the infant waitlist. The current waitlist is approximately 12 to 15 months, and at this time they will not be able to accept any new students until at least September of this year. Since the new students would be mostly coming from current families, they do not believe the expansion would impact parking or create much additional foot traffic or car traffic.

Mr. Kholyavsky stated that they would hire two additional teachers for the new classroom, and have ample parking for teachers in the staff parking area. They believe this addition will have minimal disruption to parking or traffic, which he is aware is a concern of high traffic with the DMV. Mr. Kholyavsky reported that about 60 to 75 percent of the 15 new students will come from existing families and they do not anticipate a high increase in new traffic.

This concluded the petitioners' presentation and Chair Pro-Tem Bromberg asked for comments from the Commissioners.

All commented that they have no concerns and support this request, that the parking is fine and the traffic will not change much. Commissioner Stolman commented that it is great that the business is thriving and that there is enough demand to have a waitlist.

There were no comments from the public on this matter.

Chair Pro-Tem 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 Goldstone moved, seconded by Commissioner Crist to approve the request for an amendment to the Deerfield Park Plaza Planned Unit Development and an amendment to the Goddard School Special Use for expansion into the tenant space at 471 Lake Cook Road in Deerfield Park Plaza. The motion passed with the following vote.

Ayes: Goldstone, Crist, Schulman, Keefe, Stolman, Bromberg (6)

Nays: None (0)

## **WORKSHOP MEETING**

### **1) Prefiling Conference on the Request for a Special Use for a Recreational Cannabis Dispensary at 677 Lake Cook Road in the Deerfield Depot Planned Unit Development – Curaleaf**

Chair Pro-Tem Bromberg swore in all who plan to testify before the Commission.

Attorney Lawrence Freedman, representing the applicant Curaleaf addressed the Commission and was joined by Luke Flood, Vice President of Real Estate at Curaleaf and Lauren Funk, Senior Project Manager of Construction at Curaleaf. He stated that the petitioner currently holds the only cannabis license in Deerfield which is for medical sales. State law also now allows for recreational cannabis sales and Curaleaf is seeking a Special Use Permit for a new location for recreational cannabis sales, which will also have medical sales under their current license. If approved, they will close the current location and operate one location in Deerfield at 677 Lake Cook Road offering medical and recreational cannabis sales. Mr. Freedman reported that this location was formerly Peapod. He stated that the Village ordinance addressing recreational sales specifically limits areas in the Village it would be allowed based on proximity to schools and other uses, which effectively limits this to this specific area around Lake Cook Road.

Mr. Freedman stated that the petitioners have leased the property at 677 Lake Cook Road, conditional upon obtaining a Special Use Permit. They are not proposing any significant exterior changes to the site. And because recreational cannabis sales in Deerfield does not allow for a drive thru, they will not be using the existing drive thru. The only changes to the exterior will be signage. Mr. Freedman reported that they appeared before the Appearance Review Commission to review signage. The Village ordinance allowing recreational cannabis sales has limitations on signage. No pylon signs are allowed and only one wall sign is allowed and cannot be larger than 10 square feet per the ordinance. Mr. Freedman stated that they are seeking a variance for signage to exceed the minimum size and number of signs. For example, Peapod had four wall signs and the one facing Lake Cook Road was 50 square feet. Mr. Freedman stated that due to the traffic speed on Lake Cook Road and the railroad underpass it would be very hard to read a 10 square foot wall sign. They are asking for an exception to allow for three wall signs each with an excess of 10 square feet. There are not requesting a south elevation wall sign facing Home Depot. Each sign would only say the name Curaleaf (with logo).

Mr. Freedman added that the staff report had information on the operation including hours and other details. He reiterated that they have the existing state license required for this use and that they will complete a parking and traffic study before the Public Hearing.

Village Attorney Stewart Weiss shared that when the Illinois Cannabis Regulation Tax Act was considered in 2019 before legalization on January 1, 2020, the Village worked to come up with regulations for Deerfield within the requirements of the state law. Illinois did not treat the cannabis license like liquor licenses with the same regulations, but rather gave most of the municipal power via zoning. This meant municipalities could ban recreational cannabis sales outright or take a permissive yet very regulated stance. Deerfield had the advantage of having a medical dispensary already. And when the new regulations for recreational sales were written, they were not that different from a medical dispensary before the legislation. The major difference is a customer does need a medical card and anyone over the age of 21 can purchase. But the way the product is stored, handled and given to consumers is all carried over from the previous regulations. The Village ordinance specifies regulations for security, layout, what can and

cannot be done on the premises, and it bars a drive-thru operation. Mr. Weiss stated that the Deerfield dispensary wants to add recreational adult use customers and move into a more consumer friendly retail space, but many of the same controls will apply. Mr. Weiss added that the staff memo shared the regulations clearly and that the applicant did a complete job of including the requirements with how they plan to operate the facility.

Chair Pro-Tem Bromberg confirmed that the 2019 ordinance does allow for a dispensary at this location per the zoning requirements. Mr. Weiss confirmed that there is no geographic prohibition at this location.

Chair Pro-Tem Bromberg asked if there are any regulations placed upon an establishment with medical and recreational sales in one building, such as separate entrances or how customers are handled. Mr. Weiss replied that there would be no difference except for the tax rate on the receipt. Medical use pays a lower tax rate, the products are the same and the operations are indistinguishable. Mr. Weiss stressed that there have been no new medical licenses issued and this would be a relocation of their current medical facility. Mr. Freedman confirmed that it would be a relocation for their medical license and the addition of a recreational license subject to the Special Use permit.

This concluded the petitioners' presentation and Chair Pro-Tem Bromberg asked for comments from the Commissioners.

Commissioner Goldstone asked what would be done with the existing drive thru. Mr. Freedman reminded that they cannot use it as a drive thru. Curaleaf owner Luke Flood stated that they plan to leave it as is. It can be used for overflow parking. They have 37 parking spots on site and may need a few more at times. Also, employees will use the lane nearest to the building for deliveries during store hours. It will only be used for an internal function of the operation for deliveries. Commissioner Goldstone suggested painting or striping the lanes so that customers can be made aware that it is not an operational drive thru.

Commissioner Goldstone asked what percentage of sales they expect to be medical versus recreational and how this would affect tax collected for the Village. Mr. Flood replied that they expect that 30 to 40 percent of overall sales will be medical and 60 to 70 percent would be recreational. And that demand would increase two times from the current demand at their medical sales dispensary. Commissioner Schulman confirmed that 3 percent of recreational sales is taxed by the Village. Commissioner Goldstone commented that if they are to move to a prominent location in Deerfield, she would like it to be advantageous to the Village from an economic standpoint. Chair Pro-Tem Bromberg added that no sales tax was gained from Peapod or other former uses at that location.

Commissioner Stolman confirmed that this location is far enough away from a school per the Village regulations. Mr. Ryckaert stated that it must be at least 1000 feet away from a school and staff determined that this location complied.

Commissioner Crist asked about the petitioners' signage request. Mr. Freedman replied that with their Special Use request they are asking for relief for additional signage and larger signage than is allowed for a recreational cannabis operation. Commissioner Crist asked why only 10 square feet was approved for this use. Chair Pro-Tem Bromberg commented that he agrees it is small and added that typically the ARC reviews signage requests and the Plan Commission will often defer to the ARC for their input. But it is possible for the ARC and Plan Commission to

have two different conclusions presented to the Village Board. Mr. Freedman reported that the ARC asked for some changes to the signage and voted 5 to 1 in support of their request.

Commissioner Crist commented that she did not understand what the justification was for the 10 square feet. Mr. Ryckaert stated the regulations were limiting as recreational cannabis would be a new use for the Village. Mr. Nakahara added that most requirements in the recreational cannabis sales ordinance were made to be the same as the ordinance for medical, including signage. Mr. Weiss shared that the Village used the medical cannabis sales requirements for this new use, which are very restrictive and require one wall sign of 10 square feet.

Commissioner Goldstone commented that the Village wanted this use to be more discrete, and not have prominent signage.

Commissioner Keefe commented that this location is zoned for this use per the 2019 ordinance, and he has no problem with the proposed placement or sign of the wall signs.

Commissioner Schulman commented that the ordinance was trying to avoid large signage and be a more restrictive ordinance overall so that a petitioner had to come before them if they wanted something more, which gives the Village more discretion. He commented that the petitioner in this case wants larger signage because of the set back from Lake Cook Road and traffic going under the train tracks. Commissioner Schulman confirmed that the petitioners will close the medical dispensary if this is approved. Mr. Freedman confirmed this and added that they must under their medical license as they can only have one operation. Mr. Weiss also stated that they do not have the ability to open a second location.

Chair Pro-Tem Bromberg commented that he is glad the petitioners are here and requesting this and he believes it is good for the tax base. He commented that this is a good location, and the ARC is doing a good job reviewing signage. He stated that he has no issue with the size or number of signs proposed.

Chair Pro-Tem Bromberg asked if the operation will still be cash only. Mr. Flood replied that the banking side of cannabis sales has gotten more progressive, but they still cannot accept credit card. However, they will have a cashless ATM system that works with debit card transactions which is used in 40 to 50 percent of transactions at other locations.

Chair Pro-Tem Bromberg commented that a consumer for recreational cannabis must be 21 years of age and asked how old a medical card holder can be. Mr. Flood replied that he has seen 18 year olds and older with medical cards, and some younger children also take low dose THC and more CBD focused products. However, younger than 18 years of age would have a caregiver cardholder who would purchase the products. And recreational sales are just like alcohol where proof of age 21 must be shown.

Chair Pro-Tem Bromberg asked how traffic is at their current location. Mr. Flood replied that they see around about half the number of transactions at the medical only dispensary compared to their recreational dispensaries in nearby Northbrook and Skokie, which sometimes see 400 to 500 customers a day. So they have not had significant traffic issues there. Chair Pro-Tem Bromberg confirmed that they will not allow any on site consumption.

Commissioner Schulman asked about the process for deliveries and waste disposal. Mr. Flood stated that during business hours product deliveries will be taken inside the operation.

Employees receive vacuum sealed safe products. And they take waste off the premises to another secure facility. Mr. Flood stated that all of these will happen inside the four walls of the operation. He added that the drive thru will be used for receiving deliveries at the doors along the drive thru. Only employees will be able to go in and out of these doors with secure access. Mr. Freedman added that it is not a traditional drive-thru with a window, there is an access door there. Lauren Funk said there is a secure door there. Mr. Ryckaert read a section from the ordinance requiring that a secure unloading space must be located inside an enclosed area in which it operates and be secured by closed and locked doors at all times.

Mr. Flood showed an image of the existing drive-thru and access door on the west side of the building where deliveries will not be seen by consumers. He added that consumers will not be able to use this door. Ms. Funk stated that it will be secured and locked at all times with a two verification system for employees, a card reader and a keypad entry. There will also be a rolling metal gate behind the door for added security after hours.

Mr. Weiss stated that if the Plan Commission and Village Board find this sufficient and appropriate, the petitioners would still require some relief from the local code as this process is not inside an enclosure as is specified in the ordinance for loading and unloading. Chair Pro-Tem Bromberg confirmed that taking deliveries off a truck and through these doors does not comply with written requirement that it must be done indoors. Mr. Weiss stated that it will not comply with the clear meaning of this ordinance. He added that other facilities do operate this way and Deerfield can decide to give relief to this requirement. However, Deerfield does have the right and authority to have this extra requirement as this open and unenclosed area would not satisfy the way the ordinance is written. Mr. Freedman agreed that this would not comply with the ordinance and stated that they will take a closer look at it and ask for relief if they decide not to enclose the drive thru. Chair Pro-Tem Bromberg asked if they have an enclosed door for deliveries at the current location. Ms. Funk replied that they do not. Mr. Nakahara commented that the current medical cannabis dispensary's floor plan has an enclosed area inside the building for deliveries that is secured. The enclosed and secured loading area was a requirement of the medical cannabis dispensary approval.

Commissioner Schulman suggested that the petitioners show that they are in good standing with the State and the Village at the Public Hearing. And he added that some of the maps in their materials are hard to read and suggested they improve this.

Commissioner Schulman asked if they plan to make the exterior look similar to the Northbrook location with the dark façade. Mr. Flood replied that they will tint the windows, but they will keep the rest of the existing conditions of the façade and just do an interior retrofit.

Mr. Freedman concluded that they will complete a parking and traffic study in advance of the Public Hearing. Mr. Ryckaert reported that the Public Hearing on this matter will be April 28, 2022.

### **Items from the Staff**

Mr. Ryckaert reported on upcoming Plan Commission agenda items. The next meeting will be April 14, 2022 in person. Due to the limited agenda, the meeting may start at 5:30 p.m. Staff will inform the commission.

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

Chair Pro-Tem Bromberg and Commissioner Keefe will attend the in person Board of Trustees Meeting on April 4, 2022.

**Public Comment**

There were no comments from the public on a non-agenda item via email, Zoom or in person.

**Adjournment**

There being no further discussion, Commissioner Goldstone moved, seconded by Commissioner Schulman to adjourn the meeting at 8:36 P.M. The motion passed the following vote.

Ayes: Schulman, Goldstone, Crist, Keefe, Stolman, Bromberg (6)

Nays: None (0)

Respectfully Submitted,  
Laura Boll