

**Village of Deer Park
Plan Commission Meeting Minutes
Sept. 11, 2006**

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CALL TO ORDER

The Meeting of the Plan Commission of the Village of Deer Park was held on Monday, Sept. 11, 2006, at the Village Office, 23680 W. Cuba Road, in the Village of Deer Park, Lake County and Cook Counties, Illinois.

Chairman Heidtke called the meeting to order at 7:01 p.m. Upon roll call, the following were present: Chairman David Heidtke, Commissioners Jan Koe, Bill Koutsis and Sandy Schroeder. Commissioners Frank Comber and Eric Lorenz were absent. Other Village Officials present were Administrator Connors, Attorney Keller and Clerk Pratscher. Chairman Heidtke declared a quorum.

PLANS FROM CRÈME DE LA CRÈME

Mark Eiden, attorney for the petitioner, stated that at the July Plan Commission meeting he presented his client's request for an amendment to the Village's Special Use Ordinance to allow an early childhood learning center as a permitted use on Lot 10 of Deer Park Town Center. He added that he and other Crème de la Crème representatives took careful notes at that meeting, and the company's secondary submittal to the Plan Commission addresses issues and concerns raised then. Supporting documents were included when applicable, he said.

Mr. Eiden gave a brief background on the Village's Planned Development District and the Special Use Ordinance, noting that Lot 10 originally was slated for a health club use. Subsequently, that permitted use was removed and the lot currently has no designated use, thus necessitating the request for the amendment, he said. Mr. Eiden said the real issue to be decided is whether the Plan Commission feels an early childhood learning center is an appropriate use for Lot 10. He added, however, that Crème de la Crème also is submitting an entire site plan for Lot 10, which he said conforms to the various parameters set forth in the Planned Development zoning ordinance.

Mr. Eiden noted that Diversified Developers Realty (DDR), owner of the Town Center, has made agreements with other parties not to have retail leases in the back of the Town Center, which is where Lot 10 is located. DDR has designated that area for office use or service provider use, he said, and a learning center would fit that criteria.

Commissioner Koe stated that the decision to exclude retail establishments from the back of the center was not required by the Village and should not play into the Commission's decision.

A discussion ensued about the appropriateness of retail uses on Lot 10 and other lots on the south side of the Town Center. Commissioners felt that a strong retail anchor on that lot would generate additional sales tax revenue for the Village while also bolstering sales of other merchants on the south end of the mall, some of whom have been experiencing declining revenues. Representatives for Crème de la Crème stated that DDR feels adamantly that retail shops on that side of the center would be doomed to failure because they would have minimal exposure to main roads. In addition, Mr. Eiden stated that the learning center would generate traffic for existing retail operations because 300 children and their families would be driving to the Town Center each day.

Cheryl Levin, vice president of national real estate for Crème de la Crème, stated that she worked in retail site selection for several national retail companies for the past 20 years, and she said it is her experience that retailers do not want to locate in the back of a mall nor next to theaters because of the traffic congestion. She added that Crème de la Crème creates a synergy with surrounding retail establishments because many retailers, such as children's clothing and shoe stores and hair salons, have the same target customers as the learning center.

Commissioner Koutsis voiced concern that as long as everyone refers to the south side of the Town Center as the back of mall it will always be viewed as a less desirable location. Commissioner Koe stated that when a proposed office building and hotel are built in the adjacent Deer Park Office Center, that side will become much more desirable and profitable.

Chairman Heidtke questioned whether the petitioner had addressed several concerns raised at the last meeting, specifically the architecture of the learning center and the height of the fence surrounding the

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play area. Mr. Eiden responded that the building design would conform to the architecture in the rear of the Town Center, because that is where Crème de la Crème would be located. Chairman Heidtke stated that the Village wants a building that conforms to the entire Town Center, saying the current design looks like a couple of boxes put together. He encouraged the petitioner to look at the roof lines and overall building designs of both the Town Center and the Deer Park Town Center Promenade, directly north of the town center.

Ms. Levin stated that Crème de la Crème has consistent security standards at its centers across the country, and those standards call for an opaque, 8-foot fence. She said the company has not experienced any problems with non-custodial parents or child predators, but other child care companies with lower, see-through fences have had to deal with those issues. She said the fence could be lowered to 6 feet as long as it remains opaque.

Mr. Eiden stated that the shape of the building cannot change because its form is based on the function of the interior rooms, but he said the façade could be modified to meet the Commission's architectural preferences. Jack Reynolds, project leader for the architectural firm CASCO, agreed that the parapet height and materials could be changed, as well as the exterior colors so they would blend better with the rest of the Town Center. Chairman Heidtke specifically requested that the modified design include more brick.

At this point, Chairman Heidtke asked the Village Planner, Kon Savoy, to recap the recommendations he made in a memo to the Plan Commission. Mr. Savoy addressed a variety of issues, including:

- ◆ Parking, saying that although the number of proposed parking stalls is 26 fewer than the Village's ordinance requires, he feels there is ample parking for the learning center because of adjacent parking lots that generally are not filled to capacity during the time the learning center would be open. He did ask for verification that other Crème centers in the Chicago area, which have a similar number of parking spaces, do not experience parking problems, and company representatives confirmed that.
- ◆ Fence setback from the bike path, saying that portions of the bike path were inadvertently constructed on Lot 10 instead of in the public right-of-way, which would mean there would be no setback between the fence and the path. Crème representatives agreed that the entire facility could be moved south on Lot 10, which would eliminate that issue. Mr. Eiden also said that a second fence that was shown on the site plan surrounding a future expansion area for the playground could be eliminated because the company has no expansion plans.
- ◆ Signage, saying that the learning center could not erect a monument sign identifying its property unless it was granted a variance to the Village's sign ordinance. Ms. Levin said that sign could be eliminated. Mr. Savoy also noted that the company's tagline, "Early Learning Centers of Excellence," would have to be part of the main Crème de la Crème sign and sized appropriately to meet the sign ordinance.
- ◆ Garbage dumpsters, saying the location was fine but that he wanted to see a landscaping plan for that area comparable to other parts of center.
- ◆ Photometric plan, saying he would like to see cut sheets of specific lights and fixtures chosen.
- ◆ Pedestrian connections, saying he would like to see a connection from the bike path to the front door. Mr. Reynolds said that request could easily be accommodated.
- ◆ Architecture, saying the porte cochere is bulky and massive. Mr. Savoy also noted that material samples for all building products would be required as part of the company's next submittal to the Plan Commission.
- ◆ Landscaping, saying that he wanted to see plans specific to the Deer Park location, not prototypical plans used for other centers.

Mr. Eiden responded that Crème de la Crème would be happy to address each of Mr. Savoy's concerns but, because the changes and additional designs requested would be quite expensive, he wanted to have some indication from the Commission that the proposed use would be accepted prior to proceeding.

Chairman Heidtke asked commissioners if they had other issues to address before giving an opinion on the proposed use.

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Commissioner Schroeder stated that he was concerned about the traffic impact, particularly during the afternoon pickup time, because early evening movies would be starting about that same time. He also said that there is no assurance that the vehicle traffic at Crème de la Crème would translate into shopping traffic for the Town Center. Finally, he questioned the viability of the learning center in the proposed location. Ms. Levin replied that she had done extensive research and has no doubts that the center would be successful in Deer Park. She said there are 12,000 children under the age of 5 within a five-mile radius of the site who meet the company's desired demographic profile. The learning center can accept a maximum of 300 students, and she said the other locations across the country average 90-95% occupancy.

Commissioner Koe outlined a number of concerns he had with the proposed use, including the request for reduced parking requirements. He said if the learning center failed, a subsequent tenant would not have adequate parking. Mr. Savoy stated that if the proposed use on Lot 10 changes, the plan, including parking requirements, would have to be reviewed by the Plan Commission. Mr. Eiden offered to show a future parking expansion area on the site plan, if the Commission wanted that.

Commissioner Koe questioned whether the building would have sprinklers, and Mr. Reynolds said they would be shown in the engineering drawings. Commissioner Koe also questioned why deliveries would be made through the front door where children and parents would be entering and leaving, as opposed to a side door. Ms. Levin said most deliveries would be made before the learning center opened or while children were in their classrooms, but deliveries could be directed to a side door during operating hours if the Commission wanted that.

Commissioner Koe expressed concern about the fence, suggesting the company consider a double fence so both could remain see-through. He also questioned the company's demographic information, stating that he thinks most of the students would not be residents of Deer Park.

Commissioner Koe questioned whether the height of the porte cochere would accommodate a firetruck. Mr. Savoy suggested that the site plan be sent to the Lake Zurich Rural Fire Department to ensure it meets all life-safety standards.

Commissioner Koe stated that he liked the idea of ivy on the fence to make it more of a greenscape. He also agreed with Mr. Savoy that the garbage area should be screened with landscaping and the parking lot should have additional landscaping.

Commissioner Koe questioned why a traffic impact study was not included with the proposal. Mr. Savoy responded that it was part of the Town Center traffic study and, because the proposed use is less intensive than what was originally intended, he doesn't think an additional study is necessary.

At this point, Chairman Heidtke said he would accept comments from the audience.

John Lahr of 201 Rue Touraine asked if an adequate supply of water was allocated from Palatine. Chairman Heidtke stated that the property should have excess water because the allocation was made based on the original health club use. Mr. Lahr also inquired how the landscaping would be watered. Chairman Heidtke said Crème de la Crème would have to contract to use water from the Town Center's deep well. Ms. Levin said she believes such an arrangement is in the company's agreement with DDR.

Mary Lahr of 201 Rue Touraine stated a strong preference for a retail operation on Lot 10 in order to generate additional income for the Village. She also asked if the school-age children attending the learning center would attend District 95 schools during the school day. Ms. Levin replied that children would attend school in the district in which they live.

Mrs. Lahr also spoke out against the fence, saying the company should have to adhere to the same standards as residents. She also stated that early morning deliveries to the learning center would be invasive and disturbing to nearby residents and those delivery trucks would be likely to cut through Rue Vallee subdivision streets.

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Al Barry of 412 Bramble questioned how much retail activity the learning center would generate, saying most stores would not be open during early morning drop-off times.

Deborah Barry of 412 Bramble Lane stated that the Village has a great financial need, particularly to fund its long-term road plan, and the south side of the Town Center offers a great opportunity to establish a vibrant retail area. She criticized the marketing of Phase 2 of the Town Center, which she said could be improved greatly if the Village eased its signage restrictions to allow monument signs. She called for the establishment of an economic and business development committee to help attract business to the Village.

Richard Chay of 408 Bramble stated that the Village should hold firm on its fence requirements, saying the company might want to look elsewhere if its business model requires the opaque fence.

Chairman Heidtke polled commissioners to determine whether they would support the proposed use on Lot 10 if all the issues raised were addressed and rectified.

Commissioner Koe said no, citing the fence and lack of revenue to the Village as his two biggest stumbling blocks. He also noted a child-care facility is already in operation close to the proposed learning center, and he said the Village has to be considerate of other businesses already located here.

Commissioner Schroeder concurred with Commissioner Koe, saying he struggles with the use per se.

Commissioner Koutsis stated that Crème de la Crème might be able to meet all the Plan Commission's requirements, but he doesn't think the learning center is in the best interests of the Village from a usage standpoint.

Chairman Heidtke stated that the deal killer for him is the fence. He said the Village can make exceptions to the rules within a special use district, but he thinks there has to be a very good reason why such an exception would be an advantage to the Village.

MOTION: by Commissioner Koutsis to recommend that the Village Board approve an amendment to the Special Use Ordinance to allow an early learning center on Lot 10. Upon roll call:

YES: (0)

NO: (3) Koe, Schroeder, Koutsis,

ABSENT: (2)

Motion failed 0/3/2

ADJOURNMENT

MOTION: by Commissioner Koe to adjourn. Upon a voice vote:

YES: (3)

NO: (0)

ABSENT: (2)

Motion carried 3/0/2

The Regular Meeting of the Plan Commission was adjourned at 9:16 p.m.

David Heidtke, Chairman

Maureen Pratscher, Village Clerk