

PLAN AND ZONING

REPORT OF THE PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF NORTHFIELD
PLAN AND ZONING COMMISSION

COMMISSION

REPORT OF PROCEEDINGS had before the Village of
Northfield Plan and Zoning Commission taken at the Northfield
Village Hall, Board Room, Northfield, Illinois on the 1st day
of May, 2023 at the hour of 7:00 p.m.

MEMBERS PRESENT:

DAN deLOYS, Acting Chairperson
KATHY ESTABROOKE
PATRICK BADER
STEVEN HIRSCH
TODD BERLINGOF
JACK BRANNIGAN

MEMBERS ABSENT:

BILL VASELOPULOS, Chair
JENNIFER SUCHER
CONNIE BERMAN

ALSO PRESENT:

STEVEN GUTIERREZ, Community Development Director
TODD FOWLER, Trustee
CHARLES ORTH, Trustee

1 ACTING CHAIRPERSON DELOYS: I'd like to call to
2 order the meeting of the Plan and Zoning Commission. My
3 name is Dan deLoys, I'm the Acting Chair of the
4 Commission.

5 At this time, I would like all the Commissioners to
6 introduce themselves, starting with Steve Hirsch.

7 COMMISSIONER HIRSCH: Steven Hirsch.

8 COMMISSIONER BADER: Pat Bader.

9 COMMISSIONER ESTABROOKE: Kathy Estabrooke.

10 COMMISSIONER BERLINGHOF: Todd Berlinghof.

11 COMMISSIONER BRANNIGAN: Jack Brannigan.

12 ACTING CHAIRPERSON DELOYS: Thank you very much.

13 The purpose of tonight's meeting is to conduct a
14 public hearing to consider and discuss this request for
15 approval of a Special Use Permit located at 1900 Willow
16 Road, Dunkin' Donuts. Petitioner's name is Northfield
17 Brews Properties, LLC.

18 The public hearing format will provide an overview
19 of this proposal and a forum for public comment and
20 input. This Commission is a recommending body only and
21 we will forward our recommendation to the Village
22 President and the Board of Trustees for the final
23 determination on whether or not to pass this item before
24 us today. The Board will then consider this item being
25 discussed this evening at the next Board meeting which
26 is scheduled for Tuesday, May 16th, 2023, at 7:00
27 o'clock, 7:00 p.m., right here in this boardroom.

28 Commission meetings require that all persons
29 wishing to be heard and to enter testimony must be sworn
30 in. This includes all petitioners, individuals with the
31 petitioners, and any interested parties or property
32 owners. Following the petitioner's presentation and
33 after the Commission has had an opportunity to ask
34 questions and discuss amongst themselves, then all other
35 interested parties will be given the opportunity to
36 speak.

37 Prior to speaking, we request that all parties come
38 forward to the microphone and be sworn in and provide
39 their name, address, and interest in the matter for the
40 record. These proceedings are being recorded, and that
41 is why we request you speak only at the podium wherever
42 the microphone is located.

43 Our first order of business is to pass the minutes
44 from our last meeting from April 4th, 2023.

45 Is there a motion?

46 COMMISSIONER ESTABROOKE: So moved.

47 ACTING CHAIRPERSON DELOYS: Second?

1 COMMISSIONER BERLINGHOF: Second.
2 ACTING CHAIRPERSON DELOYS: All those in favor?
3 (Chorus of ayes.)
4 ACTING CHAIRPERSON DELOYS: All those opposed?
5 (No response.)
6 ACTING CHAIRPERSON DELOYS: The motion passes.
7 Before the Petitioner steps up to the microphone, Steve,
8 do you have any comments?
9 MR. GUTIERREZ: Yes, thank you, Chairman deLoys.
10 The Petitioner, as you noted, is Northfield Brews
11 Properties, LLC. The sole owner of this LLC is a
12 gentleman named Aziz Nathani. Mr. Nathani also owns the
13 Dunkin' Donuts franchise that currently is a tenant at
14 1900 Willow Road, and he intends to buy the entire
15 property.
16 The Petitioner, as I noted, is a contract purchaser
17 of 1900 Willow. He intends to continue operating the
18 Dunkin' Donuts store at this location. This property is
19 zoned Village Center Zoning District, and the coffee
20 shops such as Dunkin' Donuts and drive-through
21 facilities are subject to special use approval in the
22 Village Center District.
23 The existing special use on this property does not
24 run with the property and will become null and void when
25 the property changes ownership. The Petitioner, thus,
26 must obtain this new special use for the continuation of
27 the operation of the drive-through and the Dunkin'
28 Donuts store.
29 It's my understanding that the Petitioner does not
30 intend to make any substantive changes to the property
31 other than some repairs that were noted in the memo that
32 you received. With that, again, the operations of the
33 store will not change as well.
34 As Staff noted in the report that you received, the
35 current ordinance contains a number of conditions that,
36 special use ordinance, excuse me, that have become
37 irrelevant or need to be updated. Specifically, the
38 current ordinance required the installation of a number
39 of bollards to protect the gas meters that are adjacent
40 to the drive-through lane. Those have been installed,
41 so Staff has suggested that we change that to just
42 ensure that the bollards are maintained going forward.
43 Another condition of the existing ordinance
44 requires that the grease traps be cleaned every three
45 months. Staff is suggesting that we tweak that going
46 forward to allow for the grease traps to be cleaned on
47 an open-ended timeframe that Staff would set in the
48 future. Currently, we believe that a six-month interval

1 is more than acceptable, but we still have crafted the
2 condition, the proposed condition in the motion that you
3 have in the memo to provide some flexibility to adapt to
4 the cleaning schedule as the operations change for
5 whatever reason. So, if they change that and they
6 produce more grease, we'll increase the interval. If
7 they're using less grease, we'll decrease the interval
8 going forward.

9 Then, finally, one of the conditions had required
10 the current property owner to work with the adjacent
11 property owners to extend Alice Place. If you recall,
12 Alice Place was actually extended by the new bank,
13 Northview Bank, when they built their new building at
14 the corner of Northfield Road and Willow Road. That was
15 actually a condition of the Bank's special use. So,
16 we've removed that from the proposed motion.

17 I also noted that there were some exterior repairs
18 that needed to be made. The current owner has been very
19 diligent. As soon as we got word to them, they actually
20 called a contractor and started the repairs. We have an
21 updated list in front of you, and I also e-mailed that
22 updated list to you. I think with the exception of the,
23 there was some damage to the garbage enclosure and some
24 cleanup of the sign. All the other repairs appear to
25 have been made. Our building inspector will take a look
26 at those just to make sure that they're adequate at this
27 point. So, again, they're making headway already on
28 that and we're very appreciative of that. But we still
29 have built into the proposed motion the 90-day period of
30 time in which those repairs have to be made.

31 Finally, you know, some landscaping over the years
32 have died off. We'll take this opportunity to restore
33 the landscaping per the originally approved plan. We
34 really can't assess that, what needs to be restored
35 until May, so we've scheduled to have our landscape
36 architect come out and assess and inspect what might
37 need to be restored at that time. The landscaping would
38 be included in the same 90-day parameter as the repairs.

39 That's about all the background I have for you. As
40 we noted in the memo, Staff has observed that the
41 parking is more than adequate and that it has been more
42 than adequate for the years that the facility has been
43 open since 2012. The drive-through facility operates
44 smoothly. I think originally, we had some caveats in
45 the ordinance which, you know, if the drive-through
46 queue were to back up on to Willow Road, for instance,
47 we had left room for additional traffic control
48 measures. I think we'll leave that in there just in

1 case operations change again, but again up to this point
2 the drive-through has been operating smoothly.

3 The Petitioner who is buying the property now has
4 been operating there for a number of years. He's been
5 very responsible to any concerns and issues that we've
6 ever gotten, a very responsible operator and/or business
7 owner.

8 So, Staff is supportive of the proposed special
9 use, again provided that within 90 days the landscaping
10 is restored and repairs are made to the Village Staff's
11 satisfaction. Again, we've suggested the tweaks to the
12 conditions that I cited.

13 So, unless you have any questions for me right now,
14 I'm going to hand it over to the Petitioner's
15 representative. Petitioner is out of town,
16 unfortunately, but his representative is here to provide
17 a short presentation and to answer any questions that
18 you might have.

19 ACTING CHAIRPERSON DELOYS: Perfect, thank you.

20 Please be sworn in.

21 MR. GUTIERREZ: Barry, if you'd raise your right
22 hand?

23 (Witness sworn.)

24 ACTING CHAIRPERSON DELOYS: State your name and
25 address.

26 MR. MILLMAN: It's Barry Gene Millman; 901 South
27 Ridge Terrace in Northfield. I'm a principal of Horizon
28 Realty Services. We're the real estate representatives
29 for Dunkin' Donuts on the North Shore.

30 So, first of all, thank you for allowing us to
31 speak before you. I had the opportunity to speak before
32 you, excuse me, in 2015 when we were building this
33 building and I represented Dunkin' Donuts at that point.
34 We were pioneers in having the first drive-through ever
35 developed in Northfield and I'm proud to say I think
36 it's been very successful.

37 Since that time, life has changed. A few things
38 have occurred like COVID and the Willow Road median
39 strip and numerous other changes in our economy. But
40 the Dunkin' has thrived very well, and fortunately we do
41 have a drive-through. Right now, about 50 percent of
42 our business on a daily basis does go through the drive-
43 through. So, we're very glad that you approved that
44 many years ago.

45 The shopping center itself has thrived as well. We
46 had some difficulty in the beginning leasing the spaces
47 just because of economy and the timing, and new
48 developments always take a little bit of time to thrive

1 and mature. I think we've made it and I'm proud that
2 our Dunkin' operator, Aziz Nathani who can't be here
3 today, but he's able to purchase the property. We've
4 been wanting him to purchase it for several years and
5 finally have worked out a nice cooperative arrangement
6 with the current owners and are able to go forward with
7 this transaction.

8 Northfield Brews is one entity within the Dunkin'
9 Donuts network on the North Shore. We also own and
10 operate the Dunkin' on Willow Road and Shermer in
11 Glenview, the Dunkin' on Dundee and Kingston in
12 Northbrook, the Glencoe Dunkin' right on Green Bay Road,
13 and approximately 25 others. So, we're well positioned
14 to operate this store and own the property.

15 Aziz is a second generation Dunkin' operator with
16 offices in Glenview. So, he'll be operating, this will
17 be local ownership and will be kind of his baby because
18 he can come over here everyday and not only check out
19 the property, but allow him checking out the operation
20 of the store.

21 We've gone through the special use requirements.
22 We agree with each of them. Steve has been kind enough
23 to work with us. The grease trap that was put in there
24 when Dunkin' was still cooking, we no longer cook in the
25 store or bake in the store, and no grease is produced in
26 the store. So, that grease trap situation has been
27 corrected. I think most of the other items are from the
28 original special use, so we've been having to comply
29 with them since the store opened.

30 So, I'm here to answer any questions you might have
31 in how we might continue to operate this store
32 successfully.

33 ACTING CHAIRPERSON DELOYS: So, I noticed the other
34 day driving by that they were working on the wall and
35 stuff. So, I saw that a number of these items have
36 already been addressed which is very nice, your block.
37 This is very appreciated.

38 MR. MILLMAN: The current owner's representative,
39 Tim, is here, and they jumped on it almost 15 minutes
40 after the e-mail came out. They were pretty responsive.

41 ACTING CHAIRPERSON DELOYS: So, any questions,
42 Board members?

43 COMMISSIONER HIRSCH: Hello, Barry.

44 MR. MILLMAN: Hi, Steve.

45 COMMISSIONER HIRSCH: At one time, and I think it
46 was probably when we first talked about the
47 construction, there were concerns about where to put the
48 garbage enclosure. This is more a question probably

1 directed at Staff, the curious nature of why nothing was
2 done in the corner and then opening up what would be
3 parking spaces as opposed to in the middle.

4 Can you refresh my poor memory?

5 MR. GUTIERREZ: Sure, sure. Yes. So, when this
6 was constructed in the, well, it was approved originally
7 in 2012, constructed in 2012-13, one of the residential
8 neighbors on Crooked Creek Lane, down at the end of
9 Crooked Creek closer to the river I think, objected to
10 the original placement of the garbage enclosure, kind of
11 tucked away back in the corner planting area.

12 COMMISSIONER HIRSCH: In the corner.

13 MR. GUTIERREZ: So, they moved it back to the
14 middle of the row of parking. I think the Crooked Creek
15 owners were comfortable with that. They have a garage
16 essentially in between them and that trash enclosure.
17 So, that was the genesis of that.

18 COMMISSIONER HIRSCH: Okay.

19 MR. GUTIERREZ: And again, I'd just add that with
20 the current tenant mix, it's really ideal for parking,
21 you know. There's just, the lot is barely ever 30
22 percent occupied.

23 COMMISSIONER HIRSCH: And that would be why I
24 asked.

25 MR. GUTIERREZ: Yes.

26 COMMISSIONER HIRSCH: As long as the new owner is
27 pleased with the current layout and there isn't a
28 problem, I always thought it was strange that the
29 garbage would be right smack in the middle of the lot.
30 So, good.

31 Do we strike item number five then from the motion
32 as there are no grease traps?

33 ACTING CHAIRPERSON DELOYS: It's been adjusted.

34 MR. GUTIERREZ: We adjusted it. Essentially, it's
35 Staff's prerogative as to what the interval will be.

36 ACTING CHAIRPERSON DELOYS: All the conditions were
37 updated.

38 COMMISSIONER HIRSCH: All right, all right, yes.

39 ACTING CHAIRPERSON DELOYS: Any comments from the
40 audience? Any questions from anybody?

41 (No response.)

42 COMMISSIONER BERLINGHOF: I'll make a motion.

43 **Motion to recommend to the Village Board: Approval of a**
44 **Special Use in order to operate a drive-through facility**
45 **and coffee shop at 1900 Willow Road, in accordance with**
46 **the Petitioner's Application and Supporting Materials,**
47 **date stamped April 7, 2023, subject to the following**
48 **conditions:**

- 1 1. The Special Use shall be personal and limited to
2 the Petitioner, Northfield Brews Properties, LLC,
3 pursuant to Article XVI, Section 4(9) of the Zoning
4 Ordinance of the Village of Northfield. Northfield
5 Brews Properties, LLC is owned as follows: Aziz
6 Nathani, 100 percent. Upon change in or transfer
7 of ownership of Northfield Brews Properties, LLC,
8 the Special Use shall lapse. Change in ownership
9 shall occur when any corporation, partnership or
10 other entity which current owns 100 percent of the
11 total stock and/or assets of Northfield Brews
12 Properties, LLC, shall in the aggregate own less
13 than 51 percent of Northfield Brews Properties,
14 LLC. The 51 percent minimum ownership requirements
15 shall apply regardless of whether Northfield Brews
16 Properties, LLC is owned by a corporation,
17 partnership or other entity. Furthermore, the
18 Special Use shall only be applicable to the subject
19 property.
- 20 2. The Petitioner shall cause the repairs listed in
21 the April 19, 2023 report to be completed subject
22 to Village Staff approval within 90 days of this
23 special use approval.
- 24 3. The Petitioner shall cause the restoration of the
25 site landscaping pursuant to a pending inspection
26 and report within 90 days of the Petitioner's
27 receipt of said report.
- 28 4. The Petitioner shall maintain the protective
29 bollards in front of the gas meters near the drive-
30 through facility.
- 31 5. The Petitioner shall employ a qualified service
32 provider to clean out the Dunkin' Donuts grease
33 trap as often as Village Staff deems necessary to
34 prevent fats, oils and greases from entering into
35 the sewer system. Documentation of said
36 maintenance shall be provided to both the Public
37 Works and Community Development Departments on an
38 annual basis.
- 39 6. Employees of any business located on the Subject
40 Property shall not park on site, but they must park
41 in the Village parking lot at the west end of
42 Orchard Lane and immediately east of the food store
43 at 1822 Willow Road.
- 44 7. The hours of operation for Dunkin' Donuts shall be
45 limited to 4:00 a.m. to 11:00 p.m., seven days a
46 week.
- 47 8. Dunkin' Donuts shall not expand beyond the tenant
48 space it occupied as of the date of this Ordinance.

- 1 9. All waste and disposal containers shall be rodent-
2 proof and leak-proof and shall be located in a
3 fully enclosed and screened area approved by the
4 Village. Such area shall be maintained and cleaned
5 on a daily basis by Petitioner.
- 6 10. The drive-through speaker board shall be kept at a
7 volume setting in conformance with Village of
8 Northfield noise restrictions. The volume controls
9 shall be secured so that the volume setting cannot
10 be changed by onsite restaurant personnel.
- 11 11. The solid wooden fence that runs along the common
12 property line between 1900 Willow Road and the
13 Crooked Creek Lane properties shall be adequately
14 maintained and replaced in kind as needed at the
15 sole cost of Petitioner.
- 16 12. If the Village seeks to develop a walking path
17 along the east bank of the middle fork of the north
18 branch of the Chicago River. Petitioner shall
19 cooperate in that endeavor by providing reasonable
20 access and participating in a reasonable amount of
21 cost sharing for physical improvements.
- 22 13. The Petitioner shall employ a licensed pest control
23 exterminator to inspect and treat the premises on
24 at least a monthly basis. Documentation of said
25 treatment shall be provided to the Village's Public
26 Health Sanitarian on a monthly basis.
- 27 14. Lighting fixtures shall be shielded so that the
28 light source is not visible from adjacent
29 residential property.
- 30 15. All site furniture and fixtures shall conform to
31 Village standards and guidelines.
- 32 16. The raised planters in the Willow Road right-of-way
33 and the vegetation within them shall be maintained
34 by Petitioner or their successors.
- 35 17. Additional traffic control remedies may be required
36 in the future if Village Staff determines that
37 either of the following conditions is occurring:
38 (1) the drive-through queue is backing up onto
39 Willow Road or (2) that vehicles turning into the
40 site from Willow Road are impeded by the vehicles
41 backing out of the parking stalls at the northwest
42 corner of the site.
- 43 18. No signs shall be displayed in the windows of the
44 building.
- 45 19. The representations made in the application and
46 supporting documents are binding upon the
47 Petitioners. There shall be no additional uses
48 permitted beyond those specifically enumerated

- 1 herein or permitted by the Village of Northfield's
- 2 Zoning Ordinance.
- 3 20. The Village of Northfield Health, Fire, and
- 4 Building Officials shall be granted access to the
- 5 subject property at any reasonable time for
- 6 purposes of conducting inspections for compliance
- 7 with Village Codes and Ordinances.
- 8 21. An approval pursuant to any requested review by a
- 9 Village consultant, Village Staff member, Village
- 10 Commission or Village Board Committee shall be an
- 11 approval of only those items specified in any
- 12 motion, resolution, ordinance, or written report.
- 13 Such approval shall not be deemed to be an approval
- 14 of any matter which is within the jurisdiction of
- 15 any other Village consultant, Village Staff member,
- 16 Village Board Committee or Village Commission that
- 17 has not issued a report or given its approval.
- 18 Neither shall such approval be deemed the approval
- 19 of any County, State or Federal Agency. Under no
- 20 circumstances shall the approval be deemed to be an
- 21 approval of any matter not included in this
- 22 ordinance by virtue of the fact that such a matter
- 23 appeared on a supporting document which is not
- 24 attached as an exhibit to this ordinance or
- 25 incorporated as an exhibit as part of this
- 26 ordinance.
- 27 22. The Petitioner shall comply in all other respects
- 28 with the ordinances of the Village of Northfield
- 29 and nothing in this special use shall be construed
- 30 as a waiver of any of those requirements.
- 31 23. Violation of any condition of this Special Use
- 32 Ordinance shall be cause to revoke said permit by
- 33 the Corporate Authorities upon 10 days proper
- 34 notice to the Petitioner. Alternatively, the
- 35 Village Manager shall have the right to assess
- 36 fines, not to exceed \$750 per violation, for
- 37 violation of this Special Use Ordinance. Such
- 38 assessment of fines may be appealed to the
- 39 Corporate Authorities by filing written notice of
- 40 appeal within three days of the assessment.
- 41 24. Changes in the project may only be made as follows:
- 42 A. Minor Field Changes. Minor changes in
- 43 locations or sizes shown on exhibits may
- 44 be approved, in writing, by the Director
- 45 of Community Development. Typically, a
- 46 minor field change will not involve a
- 47 percentage change greater than three
- 48 percent. However, not all changes of

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less than three percent shall necessarily be deemed to be minor. The determination of the Director of Community Development as to whether a change is a minor field change shall be final.

B. Village Board Approved Changes. The Village Board may approve, without referral to the Plan & Zoning Commission, such other changes as it believes are in the best interest of the Village and which do not involve changes in numbers found in the text of the Ordinance and which do not have a substantial, direct impact on adjacent properties. The determination of the Village Board as to whether a requested change should be referred to the Plan & Zoning Commission shall be final.

C. Changes Requiring a Public Hearing. Any change involving a size, quantity or other numerical value found in the text of the Ordinance or any change having substantial, direct impact on adjacent properties shall not be made except after a public hearing before the Plan & Zoning Commission. Additionally, the Village Board or the Director of Community Development may refer requested change to the Plan & Zoning Commission for public hearing when either believes it would be in the best interest of the Village to do so.

ACTING CHAIRPERSON DELOYS: Second?

COMMISSIONER BADER: I'll second.

ACTING CHAIRPERSON DELOYS: All those in favor?
(Chorus of ayes.)

ACTING CHAIRPERSON DELOYS: All those opposed?
(No response.)

ACTING CHAIRPERSON DELOYS: The motion passes.

Congratulations, good luck. It goes to the Village Board on the 16th at 7:00 p.m. right here.

So, any other further business, Steve?

MR. GUTIERREZ: No, that's it.

ACTING CHAIRPERSON DELOYS: Motion to adjourn?

COMMISSIONER BRANNIGAN: Motion to adjourn.

ACTING CHAIRPERSON DELOYS: Second?

COMMISSIONER BADER: Second.

ACTING CHAIRPERSON DELOYS: All in favor?

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(Chorus of ayes.)
ACTING CHAIRPERSON DELOYS: Adjourned.
(Whereupon, at 7:20 p.m., the above
meeting was concluded.)

APPROVED 6/5/23