

**THE CITY OF LAKE FOREST
CITY COUNCIL AGENDA**
Monday, March 4, 2024, 6:30 p.m.
220 E. Deerpath
Lake Forest, IL 60045

CALL TO ORDER AND ROLL CALL

6:30 p.m.

Honorable Mayor, Stanford R. Tack	
Nancy Novit, Alderman First Ward	Jim Preschlack, Alderman Third Ward
Joseph R. Waldeck, Alderman First Ward	Ara Goshgarian, Alderman Third Ward
Edward U. Notz, Jr., Alderman Second Ward	Eileen Looby Weber, Alderman Fourth Ward
John Powers, Alderman Second Ward	Richard Walther, Alderman Fourth Ward

PLEDGE OF ALLEGIANCE

REPORTS OF CITY OFFICERS

1. COMMENTS BY MAYOR

A. Resolution of Appreciation for retiring Battalion Chief, Cory A. Kazimour

A copy of the resolution can be found on **page 12**

Council Action: Approve the Resolution of Appreciation

B. Resolution of Appreciation for retiring Battalion Chief, Matthew H. Penar

A copy of the resolution can be found on **page 13**

Council Action: Approve the Resolution of Appreciation

2. COMMENTS BY CITY MANAGER

A. Voting Information

- Margaret Boyer, City Clerk

3. OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL

4. COMMITTEE REPORTS

5. ITEMS FOR OMNIBUS VOTE CONSIDERATION

1. Approval of February 20, 2024, City Council Meeting Minutes

A copy of the minutes can be found beginning on **page 14**.

COUNCIL ACTION: Approval of February 20, 2024, City Council Meeting Minutes

2. Approval of the Check Register for the Period of January 27 – February 23, 2024

STAFF CONTACT: *Elizabeth Holleb, Finance Director (847-810-3612)*

BACKGROUND/DISCUSSION: City Code Section 38.02 sets forth payment procedures of the City. The Director of Finance is to prepare a monthly summary of all warrants to be drawn on the City treasury for the payment of all sums due from the City (including all warrants relating to payroll and invoice payments) by fund and shall prepare a detailed list of invoice payments which denotes the person to whom the warrant is payable. The warrant list detail of invoice payments shall be presented for review to the Chairperson of the City Council Finance Committee for review and recommendation. All items on the warrant list detail recommended for payment by the Finance Committee Chairperson shall be presented in summary form to the City Council for approval or ratification. Any member of the City Council shall, upon request to the City Manager or Director of Finance, receive a copy of the warrant list detail as recommended by the Finance Committee Chairperson. The City Council may approve the warrant list as so recommended by the Finance Committee Chairperson by a concurrence of the majority of the City Council as recorded through a roll call vote.

The Council action requested is to ratify the payments as summarized below. The associated payroll and invoice payments have been released during the check register period noted.

Following is the summary of warrants as recommended by the Finance Committee Chairperson:

Check Register for January 27 - February 23, 2024

	Fund	Invoice	Payroll	Total
101	General	342,764	1,817,996	2,160,760
501	Water & Sewer	45,918	219,306	265,225
220	Parks & Recreation	138,504	424,104	562,607
311	Capital Improvements	1,150,797		1,150,797
202	Motor Fuel Tax	57,866		57,866
230	Cemetery	23,162	46,578	69,741
210	Senior Resources	9,392	31,777	41,169
510	Deerpath Golf Course	7,718	5,479	13,196
601	Fleet	82,393	64,838	147,231
416 - 434	Debt Funds			0
248	Housing Trust			0
201	Park & Public Land	378,734		378,734
	All other Funds	2,192,030	195,424	2,387,454
		\$4,429,279	\$2,805,503	\$7,234,781

The amount designated as "All other Funds" includes \$1.2 million in expenses for the City's Liability Insurance Fund (primarily the annual member contribution to IRMA) and \$828,304 in medical/dental plan expenses.

COUNCIL ACTION: Approval of the Check Register for the Period of January 27 – February 23, 2024

3. Approval of a Two-Year Contract Extension with Lake Forest Bank and Trust for Banking Services to June 30, 2026

STAFF CONTACT: *Elizabeth Holleb, Finance Director (847-810-3612)*

PURPOSE AND ACTION REQUESTED: Staff requests approval of a two-year contract extension with Lake Forest Bank and Trust for banking services.

BACKGROUND/DISCUSSION: In September 2014, the Finance Department issued a Request for Proposals for Banking Services. The City received three (3) banking proposals. A review of the proposals was conducted and two (2) finalists were invited to participate in interviews. As a result of proposal reviews, interviews conducted, reference checks and clarification regarding fees proposed, the review committee unanimously recommended Lake Forest Bank and Trust for banking services. City Council approved a three-year agreement, with an optional two-year renewal option. In November of 2017, the City Council granted the two-year extension which runs through December 31, 2019. In July of 2019, the City Council granted an additional three-year extension that runs through December 31, 2022. In August of 2022, the City Council approved an 18-month extension that runs through June 30, 2024.

The City has enjoyed a mutually beneficial banking relationship with Lake Forest Bank and Trust (LFBT) since 1995. In addition to a high level of satisfaction with services currently provided, LFBT offered the most favorable pricing for banking services of the three proposals received in 2014:

Bank:	Total Est. Annual Cost
Lake Forest Bank & Trust	\$8,888
First Midwest	\$28,282
BMO Harris	\$34,616

Lake Forest Bank and Trust has offered to extend the agreement for an additional two years with a change in monthly banking fees from \$337/month to \$1337/month (**page 18**). Projected annual banking fees under the proposed extension would be \$16,044, which would still be the lowest annual cost based on the 2014 proposals. The city would continue to earn interest on its deposits at a rate more favorable than other options available to the city. There are no minimum balance requirements, so the city is able to invest its liquid cash in other investment options to achieve a higher interest rate, if available.

Based on a survey of other communities, there is no reason to believe a new RFP process would yield different results than 2014. The combination of a generous earnings rate on deposits, collateralization at 110%, and low banking service fees is unique. Lake Forest Bank and Trust values the mutually beneficial relationship and is an excellent community partner offering the city a very high level of service with extremely low fees.

It is recommended that the City Council approve the extension offered by Lake Forest Bank & Trust and forgo a Request for Proposals for banking services.

PROJECT REVIEW/RECOMMENDATIONS:

Reviewed	Date	Comments
City Council	9/6/22	Approved 18-month contract extension.
City Council	7/15/19	Approved three-year contract extension.
City Council	11/20/17	Approved two-year contract extension.
City Council	12/1/14	Approved three-year agreement with option to renew for two additional years.

BUDGET/FISCAL IMPACT:

Has City staff obtained competitive pricing for the proposed goods/services? **YES**
An RFP process was conducted in 2014 and fees proposed for the contract extension period remain below market.

FY2025 Funding Source	Amount Budgeted	Amount Requested	Budgeted? Y/N
Water Fund 501-2501-435-3510	\$8,500	\$8,022	Y
General Fund 101-2501-435-3510	\$8,500	\$8,022	Y

The cost of banking services is split between the Water and General Funds and are included in the proposed FY25 Budget.

COUNCIL ACTION: Approval of a Two-Year Contract Extension with Lake Forest Bank and Trust for Banking Services to June 30, 2026

4. Approval of Design Engineering Services for the Safe Routes to School Project to Gewalt Hamilton Associates, Inc., and Authorize the City Manager to Execute an Agreement in the Amount of \$42,276 to Include a Contingency in the Amount of \$2,724 for a Total Cost of \$45,000

STAFF CONTACT: *Byron Kutz, P.E., Superintendent of Engineering (810-3555)*

PURPOSE AND ACTION REQUESTED: The Public Works Committee and City staff are requesting approval of an agreement with Gewalt Hamilton Associates, Inc. (GHA here after), to provide civil engineering design services for the Safe Routes to School Project in an amount of \$42,276 plus a contingency in the amount of \$2,724 for a total cost of \$45,000. In addition, authorization for the City Manager to Execute the Agreement.

BACKGROUND/DISCUSSION: The City applied for a Safe Routes to School (SRTS) grant and received \$140,000 dated April 28, 2022, for construction of sidewalk improvements in the Whispering Oaks Subdivision which is just southeast of Cherokee School. All phases of work are required to be obligated within four years of the award date, therefore by April 28, 2026. Safe Routes to School was established as a stand-alone Federal-Aid program in August 2005 through the passage of SAFETEA-LU, the Safe, Accountable, Flexible, Efficient Transportation

Equity Act: A Legacy for Users. SRTS uses a multidisciplinary approach to improve conditions for walking or bicycling to school. The SRTS program in general has three main goals: 1) to enable and encourage children, including those with disabilities, to walk and/or bicycle to school 2) to make bicycling and/or walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and 3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity (within 2 miles) of primary, middle, and high schools (grades K-12).

Whispering Oaks Subdivision is a well-established neighborhood with mainline sidewalks throughout; however, the sidewalks are missing defined roadway pedestrian crossings with striped crosswalks and ADA detectable ramps. The scope includes six specific intersections for the pedestrian safety improvements. The roadways include Longwood Drive and Morningside Drive that intersect Grandview Lane, Beverly Place and Western Avenue. As this project will be partially funded through the federal Safe Routes to School program, all approvals will be through the IDOT Bureau of Local Roads.

City Staff performed the Phase I (preliminary) design and received IDOT approval dated July 24, 2023. The Phase II (final) design, which requires IDOT review and approval, is a very time-intensive process. GHA will provide civil engineering services including project design and specifications, preliminary and final cost estimates, and development of construction documents. GHA will also lead the effort coordinating with IDOT for review and approval of the plans.

The anticipated schedule is to complete all construction work during the summer months so not to impact the pedestrian traffic during the school year. In order to do that, design needs to proceed with a target State construction bidding of March 7, 2025. This date would allow executing the contracts and having the preconstruction meeting in advance of starting work in June 2025 once school is out for the summer and completing the improvements prior to the start of the next school year in August 2025. The March 7, 2025 Letting would require pre-final Plans, Special Provisions and Estimates by September 20, 2024.

PROJECT REVIEW/RECOMMENDATIONS:

Reviewed	Date	Comments
Public Works Committee	2/20/2024	Reviewed & Recommended City Council Approval of Design Engineering Services
Finance Committee	11/14/2022	Included with FY '24 Capital Plan

BUDGET/FISCAL IMPACT: The Engineering Section solicited Request for Proposals (RFP) from professional engineering firms to perform civil engineering design services. Thirteen firms acquired the RFP package, and one submitted a proposal. The proposals were reviewed by City Staff.

GHA has been consulted previously for similar design work in the past and has been deemed satisfactory. GHA also has extensive experience with designing grant-funded projects that are reviewed by IDOT.

Included in the cost of the proposal is an allowance for \$5,000 which will only be utilized if IDOT requires Phase II design changes that necessitate the Phase I design being reopened.

Has City staff obtained competitive pricing for proposed goods/services? **Yes**

The following is a summary of the one proposal received:

Company Name	Proposal Amount
Gewalt Hamilton Associates, Inc.	\$42,276

City Staff reached out to some of the firms that decided not to submit with responses in general related to either the lack of experience related to designing a grant-funded SRTS project, or due to lack of available experienced staff for this type of project.

Below is an estimated summary of the project budget:

FY 2024 Funding Source	Amount Budgeted	Amount Requested	Budgeted Y/N
Capital Improvements Fund 311-3703-467.67-12	\$55,000	\$45,000	Y

COUNCIL ACTION: Approval of Design Engineering Services for the Safe Routes to School Project to Gewalt Hamilton Associates, Inc., and Authorize the City Manager to Execute an Agreement in the Amount of \$42,276 to Include a Contingency in the Amount of \$2,724 for a Total Cost of \$45,000

**5. Consideration of a Recommendation from the Plan Commission in Support of a Plat of Condominium for a building under construction at 715/719 McKinley Road.
(Approval by Motion)**

*STAFF CONTACT: Catherine Czerniak,
Director of Community Development (810-3504)*

PURPOSE AND ACTION REQUESTED: Consideration of a recommendation from the Plan Commission in support of final approval of a plat of condominium to allow each of the six units in the condominium building now under construction to be held in separate ownerships and to identify common areas and limited common areas.

BACKGROUND/DISCUSSION:

In December 2022, the City Council approved the third (last) phase of the McKinley Road Redevelopment. The first two buildings in the development are completed and the units are all sold and occupied. Plans for a single family residence sited just north of the third condominium building as approved by the City Council have been submitted to the City for permit and are under review.

The City Code requires that any development that creates parcels or units that will be held in separate ownerships must be approved through a public process and documented with a recorded plat. The plat of condominium as recommended by the Plan Commission delineates each unit and identifies common and limited common areas. A Declaration of Covenants and

Bylaws for the condominium units will be recorded with the property as required by State Statute.

No changes to the previously approved development are proposed or authorized through the approval of the plat of condominium. Once approved by the Council, the plat will be recorded with the County which will allow the sales of the units to proceed. All of the units are under contract and closings on several of the units is anticipated in the near future.

The Plan Commission held a public hearing on February 15, 2024, to consider the plat of condominium. No public comment was offered. The Plan Commission voted 7 to 0 to recommend approval of the plat of condominium to the City Council. The Plan Commission's report and a copy of the plat are included in the Council packet beginning on **page 19**.

COUNCIL ACTION: By motion, approve the plat of condominium for a building under construction at 715/719 McKinley Road.

6. Consideration of a Recommendation from the Plan Commission in Support of Tentative and Final Plat Approval of the Eisler Two Lot Subdivision for Property addressed as 195 E. Onwentsia Road and Approval of an Ordinance Granting a Variance from the Minimum Lot Size for a Lot in Depth. (Approval by Motion and Waive First Reading and Grant Final approval of An Ordinance.)

*STAFF CONTACT: Catherine Czerniak,
Director of Community Development (810-3504)*

PURPOSE AND ACTION REQUESTED: Consideration of a plat of subdivision for a 3.8 acre parcel and a variance from the minimum lot size to allow a parcel smaller than the minimum lot size so that the historic landscape features can be preserved intact on the larger parcel.

BACKGROUND/DISCUSSION: The property proposed for subdivision is developed with an historically significant residence which is sited on the front third of the property. There are significant historic landscape features throughout much of the site that remain remarkably intact. The south portion of the property, about the rear third, is not part of the historic landscape and is an open lawn area. The property is large enough to support two lots in full conformance with the required minimum lot size for a lot in depth subdivision however, the new owners desire to divide the parcel in a manner that preserves the integrity of the historic landscape on the front lot.

The Plan Commission held a public hearing on February 15, 2024, to consider this petition. Two neighbors offered testimony in opposition to the subdivision stating a preference that the 3.8 acre parcel remain intact and requesting that if the subdivision proceeds, both lots conform to the minimum lot size to minimize any visibility of the new house from the properties on Foster Place.

During deliberations, the Commission determined that the hardship justifying a variance was created because the property was developed with a house and garden long before current zoning regulations were adopted and that the historic importance of both the house and the intact historic garden support the requested variance. The Commission also acknowledged that the property is large enough to fully meet the minimum lot size requirement and that the

zoning setbacks are fully met on the rear lot as proposed and would not change with a larger lot.

The Commission voted 7 to 0 to recommend approval of the plat of subdivision and the associated variance from the minimum lot size for the rear lot.

The plat of subdivision is included in the Council packet beginning on **page 27** along with the Plan Commission's report which provides additional background information.

COUNCIL ACTION: If determined to be appropriate by the City Council, approve the Eisler Subdivision by motion and waive first reading and grant final approval of an ordinance approving a variance from the minimum lot size for the rear lot of a lot in depth subdivision as recommended by the Plan Commission

COUNCIL ACTION: Approve the (6) six omnibus items as presented

6. OLD BUSINESS

7. NEW BUSINESS

- 1. Consideration of a Recommendation from the Plan Commission in Support of a Special Use Permit Authorizing a Starbucks with a Drive Through on the Southeast Corner of Waukegan and Everett Roads. (Waive First Reading and if Desired by the Council, Grant Final Approval of an Ordinance)**

PRESENTED BY: Catherine Czerniak, Director of Community Development
(810-3504)

PURPOSE AND ACTION REQUESTED: The Council is asked to consider a recommendation from the Plan Commission in support of a Special Use Permit for a Starbucks with a drive through on the north portion of the vacant parcel located on the southeast corner of Everett and Waukegan Roads

BACKGROUND AND DISCUSSION: The property has been vacant for a number of years since Pasquesi Home and Garden and the gas station previously located on the site closed. Previous redevelopment proposals for the site include a retail development with a drug store which was approved, a car wash which was not approved, a medical office building and a Starbucks which was approved, and most recently, a plan for a multi-family residential building and a Starbucks which was withdrawn and replaced with the current phased development proposal.

As noted above, Starbucks was previously presented as part of a larger redevelopment plan for the site. In response to concerns expressed about the scale and details of the earlier site plan, and to allow development of the corner with a Starbucks to move forward in the near term, the approvals requested at this time apply only to the Starbucks.

The proposed Starbucks will have a double drive through lane to accommodate up to 15 cars. The Code requires drive throughs of any type to be considered through the Special Use

Permit process and the site plan to be evaluated based on the applicable standards and criteria which are detailed in the Plan Commission's report which is included in the Council packet beginning on **page 41**.

The remainder of the property remains buildable. Future plans for any development proposed on the south portion of the site will require City review and approval. Approval of the present request does not provide any certainty of approval of any specific future plan. No subdivision, lot reconfiguration, or variances are requested at this time.

The Plan Commission held a public hearing on February 15, 2024, to consider this petition. A resident offered testimony in support of the project but raised concerns about the additional traffic that could be generated by a Starbucks drive through at this location. During deliberations, the Commission expressed enthusiasm for seeing redevelopment of this site begin and noted that once in place, the Starbucks may attract interest and ideas for a use or uses of an appropriate scale on the remainder of the property. The Commission requested that care be taken to address the Waukegan Road streetscape along the portion of the property that will remain vacant in the interim with a fence, landscaping, or a combination of both.

The Commission voted 7 to 0 to recommend approval of the Special Use Permit to authorize the Starbucks with the drive through and approval of the site plan. The Ordinance for the Special Use Permit is included in the Council packet beginning on **page 49** along with the Plan Commission's report which provides additional background information.

COUNCIL ACTION: Waive first reading of an Ordinance granting a Special Use Permit and approving the site plan for Starbucks on the southeast corner of Everett and Waukegan Roads with a drive through and if desired by the City Council, grant final approval of the Ordinance.

8. ADDITIONAL ITEMS FOR DISCUSSION/ COMMENTS BY COUNCIL MEMBERS
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1. EXECUTIVE SESSION

Adjournment into Executive Session

Reconvene into Regular Session

9. ADJOURNMENT

A copy of the Decision Making Parameters is included beginning on **page 11** of this packet.

Office of the City Manager

February 28, 2024

The City of Lake Forest is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are required to contact City Manager Jason Wicha, at (847) 234-2600 promptly to allow the City to make reasonable accommodations for those persons.





THE CITY OF LAKE FOREST

DECISION-MAKING PARAMETERS FOR CITY COUNCIL, AND APPOINTED BOARDS & COMMISSIONS

Adopted June 18, 2018

The City of Lake Forest Mission Statement:

"Be the best-managed, fiscally-responsible and appealing community and promote a community spirit of trust, respect and citizen involvement."

The Lake Forest City Council, with the advice and recommendations of its appointed advisory Boards and Commissions, Lake Forest Citizens, and City Staff, is responsible for policy formulation and approval. Implementation of adopted strategy, policy, budgets, and other directives of Council is the responsibility of City Staff, led by the City Manager and Senior Staff. The Mayor and Aldermen, and appointed members of Boards and Commissions should address matters in a timely, deliberate, objective and process-driven manner, making decisions guided by the City of Lake Forest Strategic and Comprehensive Plans, the City's Codes, policies and procedures, and the following parameters:

- Motions and votes should comprise what is in the best long-term interests of all Lake Forest citizens, measured in decades, being mindful of proven precedents and new precedents that may be created.
- All points of view should be listened to and considered in making decisions with the long-term benefit to Lake Forest's general public welfare being the highest priority.
- Funding decisions should support effectiveness and economy in providing services and programs, while mindful of the number of citizens benefitting from such expenditures.
- New initiatives should be quantified, qualified, and evaluated for their long-term merit and overall fiscal impact and other consequences to the community.
- Decision makers should be proactive and timely in addressing strategic planning initiatives, external forces not under control of the City, and other opportunities and challenges to the community.

Community trust in, and support of, government is fostered by maintaining the integrity of these decision-making parameters.

The City of Lake Forest's Decision-Making Parameters shall be reviewed by the City Council on an annual basis and shall be included on all agendas of the City Council and Boards and Commissions.



RESOLUTION

WHEREAS, CORY A. KAZIMOUR has been a dedicated employee of The City of Lake Forest since **January 3, 2005**; and

WHEREAS, CORY A. KAZIMOUR will honorably retire from the City on **February 22, 2024**; and

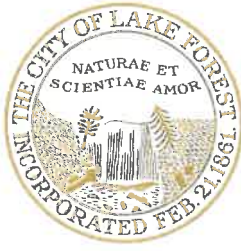
WHEREAS CORY A. KAZIMOUR served in the following positions during his dedicated career: *Firefighter/Paramedic, Fire Inspector, Lieutenant, Battalion Chief, member of the Lake County and McHenry County Sidescan Sonar Team, President of Local 1898 IAFF Union, Foreign Fire Insurance Board, and a passionate member of the department's Public Education programs.* In addition, **CORY A. KAZIMOUR** received several fire service certifications, including Chief Fire Officer. Cory also received numerous accommodations and letters of gratitude for outstanding service throughout his career.

WHEREAS, CORY A. KAZIMOUR was dedicated to moving the Lake Forest Fire Department forward with the implementation of numerous new response and records management platforms that have had a great impact on all department operations. **Cory** was a problem solver, and often assisted neighboring departments throughout Lake County with his unique skillset, sharing lessons learned at Lake Forest to help everyone improve. **Cory's** talents will be missed, but improvements and advancements that he was responsible for, will continue to serve the Lake Forest Fire Department and the City for years to come.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE FOREST that the Council, on behalf of the administration and residents of the community, hereby expresses its appreciation and gratitude to **CORY A. KAZIMOUR** for a public service faithfully performed; and

BE IT FURTHER RESOLVED that this Resolution be appropriately inscribed and conveyed to **Cory**, with a copy to be included in the official minutes of the **March 4, 2024** meeting of the Lake Forest City Council.

Mayor



RESOLUTION

WHEREAS, MATTHEW H. PENAR has been a dedicated employee of The City of Lake Forest since May 15, 1997; and

WHEREAS, MATTHEW H. PENAR will honorably retire from the City on **March 3, 2024**; and

WHEREAS MATTHEW H. PENAR served in the following positions during his dedicated career: *Firefighter/Paramedic, Lieutenant, Battalion Chief, Department Medical Officer, Member of the Lake and McHery County Dive Team, Foreign Fire Insurance Board, and a passionate member of the department's Public Education programs.* In addition, **MATTHEW H. PENAR** received several fire service certifications, including Chief Fire Officer. Matt also received numerous accommodations and letters of gratitude for outstanding service throughout his career.

WHEREAS MATTHEW H. PENAR dedicated his career to improving the skills and services of our Paramedics. **Matt** was a key player in designing the form and function of new ambulances and setting up our fire apparatus to deliver advanced medical care. **Matt** always had a passion for medical training, and he was instrumental in advancing care and technologies used to benefit all patients receiving care from Lake Forest Paramedics.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE FOREST that the Council, on behalf of the administration and residents of the community, hereby expresses its appreciation and gratitude to **MATTHEW H. PENAR** for a public service faithfully performed; and

BE IT FURTHER RESOLVED that this Resolution be appropriately inscribed and conveyed to **Matt**, with a copy to be included in the official minutes of the **March 4, 2024** meeting of the Lake Forest City Council.

Mayor

The City of Lake Forest
CITY COUNCIL MEETING
Proceedings of the Tuesday, February 20, 2024
City Council Meeting – City Council Chambers
220 E Deerpath, Lake Forest, IL 60045

CALL TO ORDER AND ROLL CALL: Honorable Mayor Tack called the meeting to order at 6:30 p.m., and City Clerk Margaret Boyer called the roll of Council members.

Present: Honorable Mayor Tack, Alderman Novit, Alderman Waldeck, Alderman Notz, Alderman Powers, Alderman Preschlack, Alderman Goshgarian, Alderman Weber, and Alderman Walther

Absent: None

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE was recited by all.

REPORTS OF CITY OFFICERS

COMMENTS BY MAYOR

A. 2024-2025 Board and Commission Appointments and Reappointments

CROYA BOARD

NAME OF MEMBER	APPOINT/REAPPOINT	WARD
Megan Carney	APPOINT	Deer Path Middle School Rep

Mayor Tack read the appointment and asked for a motion.

COUNCIL ACTION: Approve the Mayor’s Appointments and Reappointments

Alderman Powers made a motion to Approve the Mayor’s Appointments, seconded by Alderman Walther. Motion carried unanimously by voice vote.

COMMENTS BY CITY MANAGER

**A.Elawa Parking Lot Improvements
- Byron Kutz, P.E., Superintendent of Engineering**

City Manager Jason Wicha introduced Byron Kutz, Superintendent of Engineering who noted the importance of the project to the community and the neighborhood. He gave an overview of the public process, and the project improvements that included resurfacing the entrance drive and parking lot, expansion to the north, drainage improvements with a bioswale, improved sidewalk accessibility, and bike racks to name a few. He reviewed planned construction coordination and details about the Landscape screening. This item is on the omnibus.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL

COMMITTEE REPORTS

ITEMS FOR OMNIBUS VOTE CONSIDERATION

1. **Approval of February 5, 2024, City Council Meeting Minutes**
2. **Consideration of a Request to Waive the Fidelity Bond Requirement in Connection with Holding a Raffle in the City of Lake Forest for Lake Forest Country Day School and Lake Forest Baseball Association (Approval by Motion)**
3. **Approval of an Ordinance approving a Fee Schedule Adjusting Water Rates for FY2025 (*Final Approval*)**
4. **Authorize the Police Department to purchase sixteen (16) Semi-Rugged Panasonic Toughbook laptop computers, Havis docking stations, and accessories, from CDS Office Technologies for a total amount of \$63,838.00**
5. **Approval to waive bidding and authorize the purchase a new safety boat from Professional Boats in the amount of \$45,865.16.**
6. **Waive the Bidding Process and Authorize a contract for building repairs at Deerpath Golf Course with Efraim Carlson & Son, Inc. for the amount of \$108,801.81, to include a 10% contingency in the amount of \$11,000.00, For a Total Amount of \$119,801.81.**
7. **Award of Bid for the Grove Campus Roof Replacements & Repair Project to Filotto Roofing, Inc. in the Amount of \$141,500, to Include a 10% Contingency in the Amount of \$14,500, for a Total Amount of \$156,000**
8. **Award of the Low Bid for the Elawa Parking Lot Improvements to Maneval Construction and Authorize the City Manager to Execute an Agreement in the Amount of \$453,210 as well as Approving a 10% Contingency in the Amount of \$40,321 for a Total Cost of \$493,531**

Mayor Tack asked members of the City Council if there were any items that they would like removed or taken separately. Seeing none, he asked for a motion.

Alderman Weber made a motion to approve the eight (8) Omnibus items as presented, seconded by Alderman Goshgarian. The following voted "Aye": Alderman Novit, Waldeck, Notz, Powers, Preschlack, Goshgarian, Weber, and Walther. The following voted "Nay": none. 8-Ayes, 0-Nays, motion carried.

Information such as Purpose and Action Requested, Background/Discussion, Budget/Fiscal Impact, Council Action and a Staff Contact as it relates to the Omnibus items can be found on the agenda.

OLD BUSINESS

NEW BUSINESS

1. Consideration of a Recommendation from the Zoning Board of Appeals in Support of an Amendment to the Special Use Permit for Gorton Center Located at 400 Illinois Road. (Waive First Reading and Grant Final Approval of an Ordinance)

Catherine Czerniak, Director of Community Development reported that this is a recommendation from the Zoning Board of Appeals. She gave a brief history of the Gorton Center. She reviewed other Special Use Permits throughout The City of Lake Forest and the current Special Use Permit that is in place for Gorton. She stated that the impetus for this amendment is to understand the range of uses that occur at Gorton, establish some parameters for use recognizing that Gorton is located adjacent to single family homes, and to provide clarity for all stakeholders on what is and is not permitted on the site. The amendment will align the Special Use Permit with current activities offered at Gorton and to establish some parameters for activities recognizing the adjacency to residential properties.

The Board concluded in a 5 to 0 vote that the proposed amendments identify an appropriate range of uses and activities for Gorton Center all of which in fact currently occur on the site. The Board also recommended conditions of approval to establish reasonable limitations on the activities to balance the interests of the various stakeholders including neighbors and the community at large.

Ms. Czerniak reviewed the Council's options related to this item; approve amendments to the Gorton Center Special Use Permit (Waive First reading, grant final approval), Deny the petition or Remand the petition to the Zoning Board of Appeals.

The City Council had discussions on amplified sound, internal sound system, event management, striking the right balance, number of outdoor annual events,

Mayor Tack asked if there was anyone from the public who would like to comment.

Mary Sanders offered her opinion on sound/noise damage to persons in close proximity.

Mayor Tack again asked if there was anyone from the public who would like to comment.

Alderman Novit made a motion to waive first reading, seconded by Alderman Powers.

The City Council had additional discussion on the process of waiving first reading and the possibility of hearing this item at the next City Council meeting. Following discussion Mayor Tack asked the City Council for a motion to waive first reading and grant final approval including conditions.

COUNCIL ACTION: If desired by the Council, waive first reading and grant final approval of an Ordinance amending the Special Use Permit for Gorton Center at 400 E. Illinois Road as recommended by the Zoning Board of Appeals and as detailed in the Ordinance.

Alderman Weber made a motion to waive first reading and grant final approval of an Ordinance amending the Special Use Permit for Gorton Center at 400 E. Illinois Road as recommended by the Zoning Board of Appeals and as detailed in the Ordinance, seconded by Alderman Preschlack. The following voted "Aye": Alderman Novit, Waldeck, Notz, Powers, Preschlack, Goshgarian, Weber, and Walther. The following voted "Nay": none. 8-Ayes, 0-Nays, motion carried.

ADDITIONAL ITEMS FOR COUNCIL DISCUSSION/COMMENTS BY COUNCIL MEMBERS
--

Mayor Tack noted there will be no further business following executive session, he then asked for a motion to adjourn into **EXECUTIVE SESSION pursuant to 5 ILCS 120/2 (c)(11), Pending litigation, and (5), Purchase or**

lease of real property for the use of the public body, and (6), Disposition of property and the consideration for the sale or lease of property owned by the Public Body.

Alderman Notz made a motion to adjourn into executive session pursuant to 5 ILCS 120/2 (c)(11), Pending litigation, and (5), Purchase or lease of real property for the use of the public body, and (6), Disposition of property and the consideration for the sale or lease of property owned by the Public Body, seconded by Alderman Walther. The following voted "Aye": Alderman Novit, Waldeck, Notz, Powers, Preschlack, Goshgarian, Weber, and Walther. The following voted "Nay": none. 8-Ayes, 0-Nays, motion carried.

Adjournment into Executive Session at 7:18 pm.

Reconvened into Regular Session at 8:45 pm.

ADJOURNMENT

There being no further business Mayor Tack asked for a motion to adjourn. Alderman Preschlack made a motion to adjourn, seconded by Alderman Notz. Motion carried unanimously by voice vote at 8:46 p.m.

Respectfully Submitted,
Margaret Boyer, City Clerk

A video of the City Council meeting is available for viewing at the Lake Forest Library and on file in the Clerk's office at City Hall. You can also view it on the website by visiting www.cityoflakeforest.com. Click on I Want To, then click on View, then choose Archived Meetings Videos.

LAKE FOREST BANK
& TRUST COMPANY, N.A.®

February 12, 2024

Mrs. Elizabeth Holleb
Finance Director
The City of Lake Forest
800 N. Field Drive
Lake Forest, Illinois 60045

Re: Professional Services Agreement (the "Agreement") between The City of Lake Forest (the "City") and Lake Forest Bank & Trust Company (the "Bank") dated December 9, 2014

Dear Mrs. Holleb:

Please accept this correspondence as a formal extension of the Agreement with the City for an additional 24 months. The current Agreement expires on June 30, 2024. The extended Agreement will run from July 1, 2024, until June 30, 2026.

The Agreement is being extended on the same terms that are presently contained in the current Agreement except treasury fees will increase by \$1,000/month.

As Lake Forest's community bank, we look forward to continuing our relationship with the City for many years to come.

Please do not hesitate to contact me with any questions.

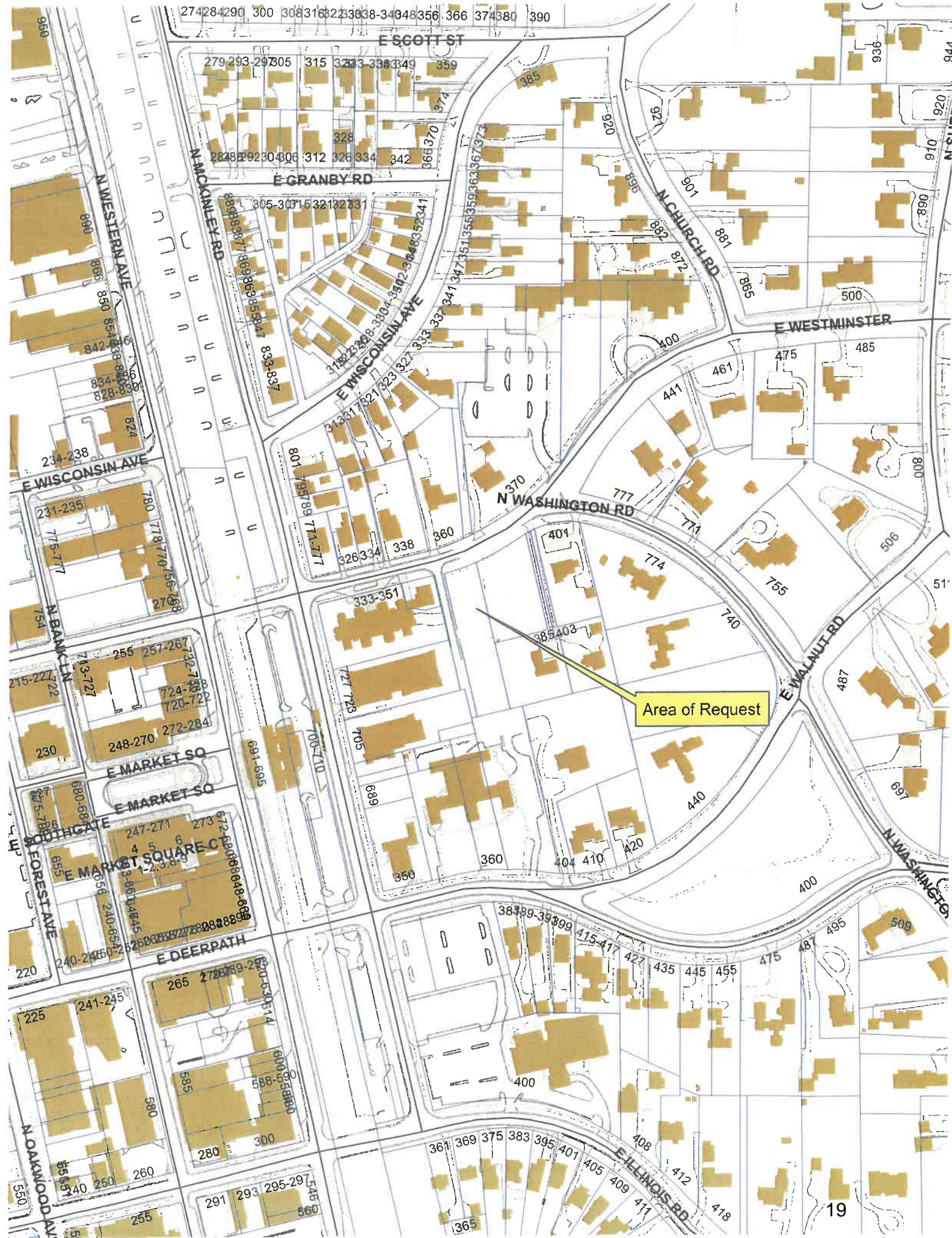
Very truly yours,



Chris Baker
President & CEO

A WINTRUST COMMUNITY BANK

727 North Bank Lane, Lake Forest, Illinois 60045 | 847-234-2882 | www.lakeforestbank.com



Area of Request



PLAN COMMISSION REPORT AND RECOMMENDATION
715 and 719 McKinley Road

TO:	Honorable Mayor and members of the City Council
DATE:	February 15, 2021
FROM:	Chairman Dixon and Members of the Plan Commission
SUBJECT:	Request for Approval of a Plat of Condominium for the Building Located at 715 and 719 McKinley Road

OWNER

715 McKinley LLC
50% Peter Witmer
50% Todd Altounian
1000 N. Western Avenue
Lake Forest, IL 60045

PROPERTY LOCATION

715 and 719 McKinley Road
East side of McKinley Road, Between
Deerpath and Westminster

ZONING

GR-3 General Residence
District

REPRESENTATIVE

Peter Witmer, architect/owner

Recommendation

Approve the Plat of Condominium for the building addressed as 715 and 719 McKinley Road subject to the following conditions.

Prior to recording the Plat of Condominium with Lake County, the following conditions shall be satisfied:

1. The plat shall be subject to final review and approval by the Director of Community Development, City Engineer and City Attorney.
2. All applicable fees must be paid in full.

Summary of the Request

This is a request for tentative and final approval of a Plat of Condominium. The plat is necessary, and required by law, to define the ownership limits of each condominium, the common areas, and the limited common areas of the new two story condominium building which is now under construction. The building is comprised of six units and addressed as 715 (units 101 and 201) and 719 McKinley Road (units 100, 102, 200, and 202). The development was previously approved, no modifications to the site, use, density or building design are proposed as part of this request.

A plat of condominium cannot be considered until the “as built” interior dimensions of each unit are known; therefore, a plat of condominium is presented once the base building is well under way. Approval of a plat of condominium is required prior to the sale of the individual condominium units. Each of the units will be customized, built out to the owners’ specifications, so sale of the units in advance of completion of the base building and prior to the issuance of any Certificates of

Occupancy is appropriate and is consistent with the procedures followed with the first two buildings in this development.

Approval of the plat of condominium is a procedural matter since approval of the development has already been granted. The six condominium units in the two story building are all under contract and the closings are pending the recording of the plat.

Background

In December 2022, the City Council approved the third phase of the McKinley Road Redevelopment as currently configured. The first two buildings in the development are completed and the units are all sold and occupied. Plans for a single family residence sited just north of the third condominium building, fronting on Westminster, as approved by the City Council, have been submitted to the City for permit and are under review.

Staff Analysis

The City Code requires that any development that creates distinct parcels or units must be approved through a public hearing process which provides for review of a plat. The proposed plat, as noted above, establishes each of the residential condominium units in the new building as a separate ownership entity. The plat delineates the following: 1) the units which will be owned individually, 2) common elements which are defined in the Declaration of Covenants as all portions of the property except the units, and 3) portions of the common elements, outside of the individual units, that are designated on the plat as limited common elements and as such are restricted for use by the occupants of specific units. For example, the below grade garage is a common element however, the individual parking spaces in the garage are assigned to certain units so the spaces themselves are limited common elements. (Note: An extra parking space, not yet assigned to a unit, is identified as “Unit 300” to call it out as not assigned, there is not a unit 300.) Balconies, terraces, and roof top spaces are outside the walls of individual units and are limited common elements and reserved for use by only specified units. The roof areas are only accessible by the two units on the second floor. There is no general access to the roof. Shared hallways and stairways are common elements.

The plat includes pages detailing the two floors of the condominium building and delineates each of the six units. The plat also delineates the garage level and the roof level spaces.

A survey of the overall site as previously approved and recorded is also included for reference.

No improvements or alterations to the property are proposed or authorized in conjunction with the approval of the plat now recommended for Council approval. As noted above, the overall site plan, landscaping, and the architectural design and materials were all previously approved by the City Council.

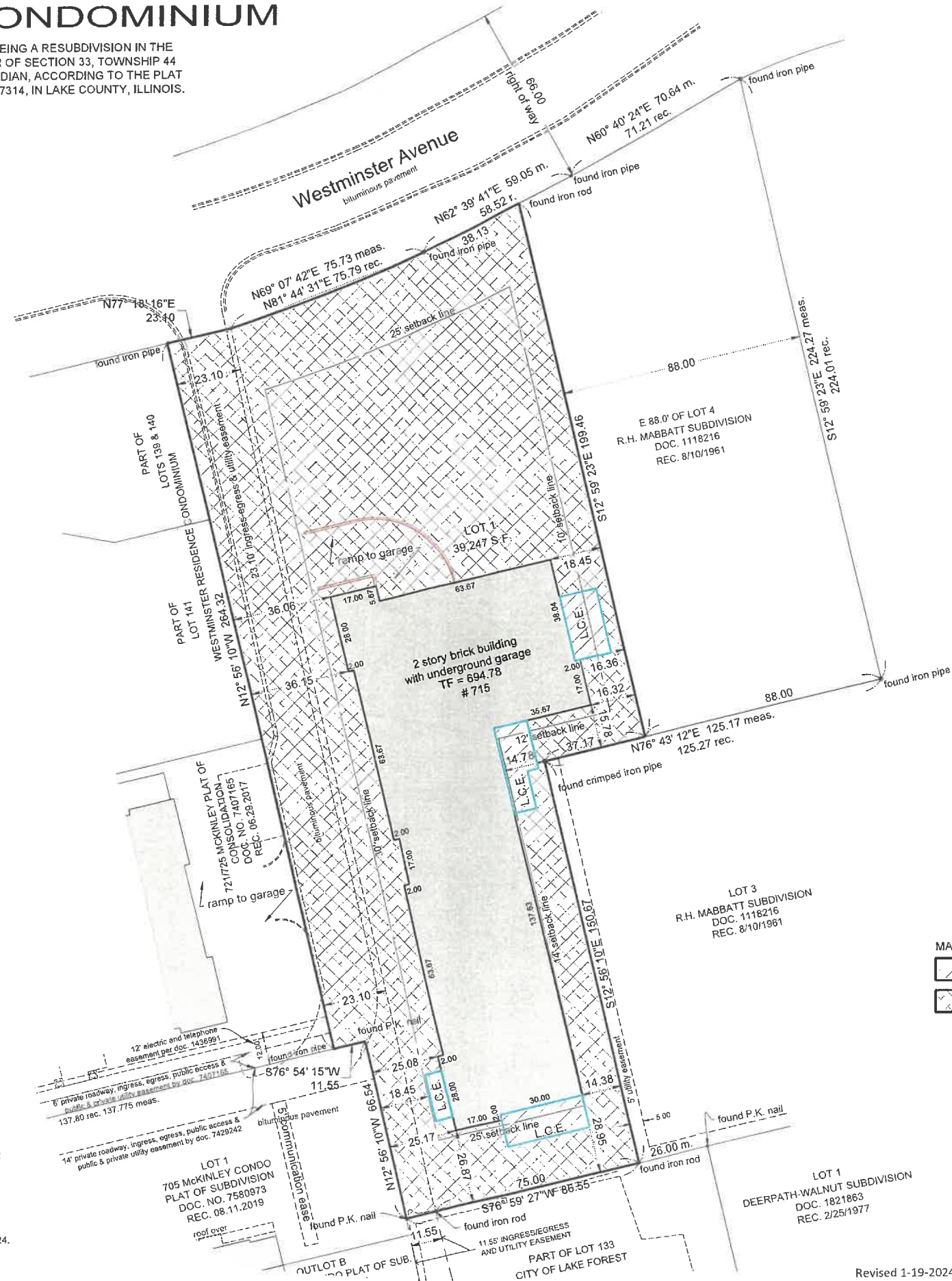
The Declaration of Covenants has been provided to the City for review and will be recorded along with the Plat of Condominium as required by the Lake County Recorder’s Office.

Public Notice

Public notice of the Plan Commission hearing was published in a newspaper of local circulation and was mailed by the City to addresses in the surrounding area in accordance with Code requirements. The agenda for the Plan Commission meeting was posted at public locations and on the City’s website. No testimony was presented to the Commission on this petition.

715 McKINLEY CONDOMINIUM

LOT 1 IN 355/361 E. WESTMINSTER CONSOLIDATION, BEING A RESUBDIVISION IN THE
NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 44
NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT
THEREOF RECORDED JULY 31, 2023 AS DOCUMENT 7987314, IN LAKE COUNTY, ILLINOIS.



PLAT IS VOID IF IMPRESSED
SEAL DOES NOT APPEAR

STATE OF ILLINOIS } S.S.
COUNTY OF LAKE }

NOTE: ONLY THOSE BUILDING LINES OR EASEMENTS SHOWN ON THE RECORDED SUBDIVISION PLAT ARE SHOWN HEREON; CHECK LOCAL ORDINANCES BEFORE BUILDING. COMPARE YOUR DESCRIPTION AND SITE MARKINGS WITH THIS PLAT AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

ON BEHALF OF ECK ENGINEERING COMPANY, INC., I, JACK R. BLECK, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED IN THE ABOVE CAPTION WAS SURVEYED AND STAKED BY ME, OR UNDER MY DIRECTION, AND THE PLAT DRAWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY. MEASUREMENTS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT LAKE FOREST, ILLINOIS, THIS DAY OF A.D., 2024.

BY _____
REGISTERED ILLINOIS LAND SURVEYOR NO. 3591

BENCHMARK:
NE BOLT ON FIRE HYDRANT
EAST ROW MCKINLEY ROAD
AT #721 ENTRANCE
ELEVATION = 699.50 (NAVD 88)

PRELIMINARY



Project No. 70-948-3

BLECK
engineers | surveyors

Bleck Engineering Company, Inc.
1375 North Western Avenue
Lake Forest, Illinois 60045

T 847.295.5200 **F** 847.295.7081
www.bleckeng.com

MAP KEY



LIMITED COMMON ELEMENT



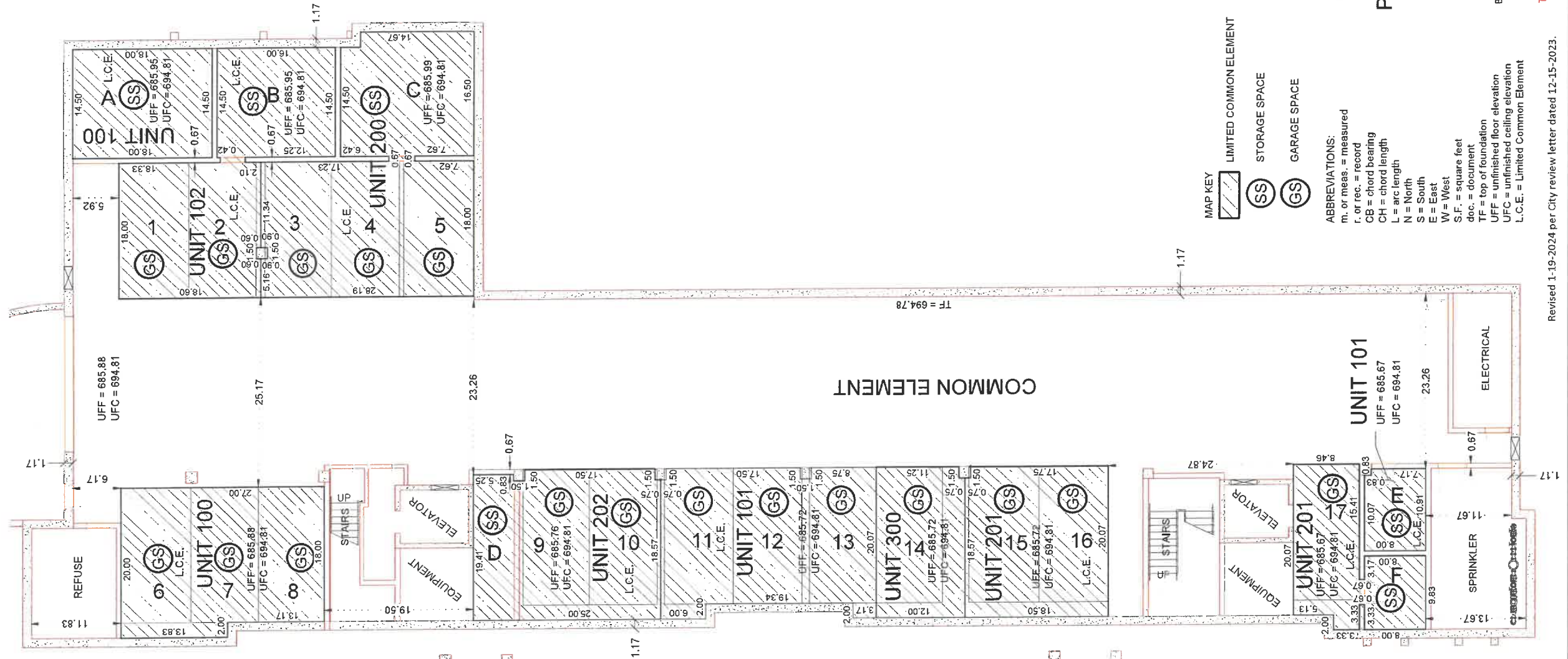
COMMON ELEMENT

ABBREVIATIONS:

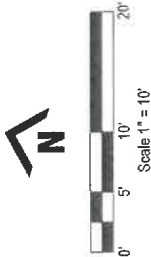
m. or meas. = measured
 r. or rec. = record
 R = radius
 CB = chord bearing
 CH = chord length
 R = radius
 L = arc length
 N = North
 S = South
 E = East
 W = West
 S.F. = square feet
 TF = top of foundation elevation
 doc. = document
 L.C.E. = Limited Common Element

Revised 1-19-2024 per City review letter dated 12-15-2023.

715 MCKINLEY
CONDOMINIUM
GARAGE FLOOR



SURVEYOR'S NOTE:
ALL AREAS OUTSIDE OF THE UNITS AND STORAGE
AREAS ARE COMMON ELEMENTS.
LIMITED COMMON ELEMENTS ARE HATCHED AND
LABELLED WITH ABBREVIATION L.C.E.



MAP KEY
LIMITED COMMON ELEMENT
STORAGE SPACE
GARAGE SPACE

ABBREVIATIONS:
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UFC = unfinished ceiling elevation
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BENCHMARK:
NE BOLT ON FIRE HYDRANT
EAST ROW MCKINLEY ROAD
AT #721 ENTRANCE
ELEVATION = 699.50 (NAVD 88)

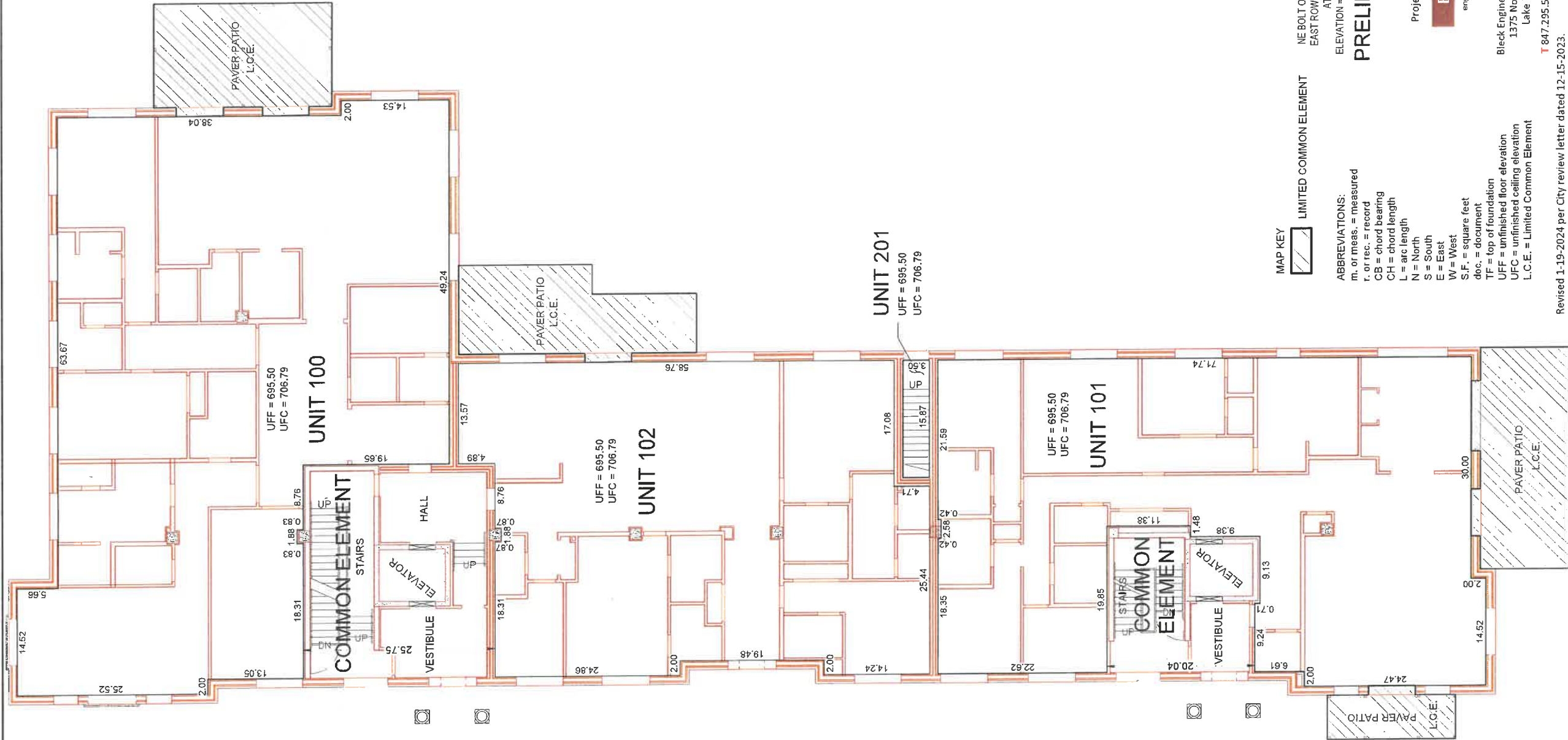
PRELIMINARY
Project No. 70-948-3

BLECK
engineers | surveyors

Bleck Engineering Company, Inc.
1375 North Western Avenue
Lake Forest, Illinois 60045
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www.bleckeng.com

Revised 1-19-2024 per City review letter dated 12-15-2023.

715 MCKINLEY
CONDOMINIUM
FIRST FLOOR



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MAP KEY
LIMITED COMMON ELEMENT

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BENCHMARK:
NE BOLT ON FIRE HYDRANT
EAST ROW MCKINLEY ROAD
AT #721 ENTRANCE
ELEVATION = 695.50 (NAVD 88)

PRELIMINARY

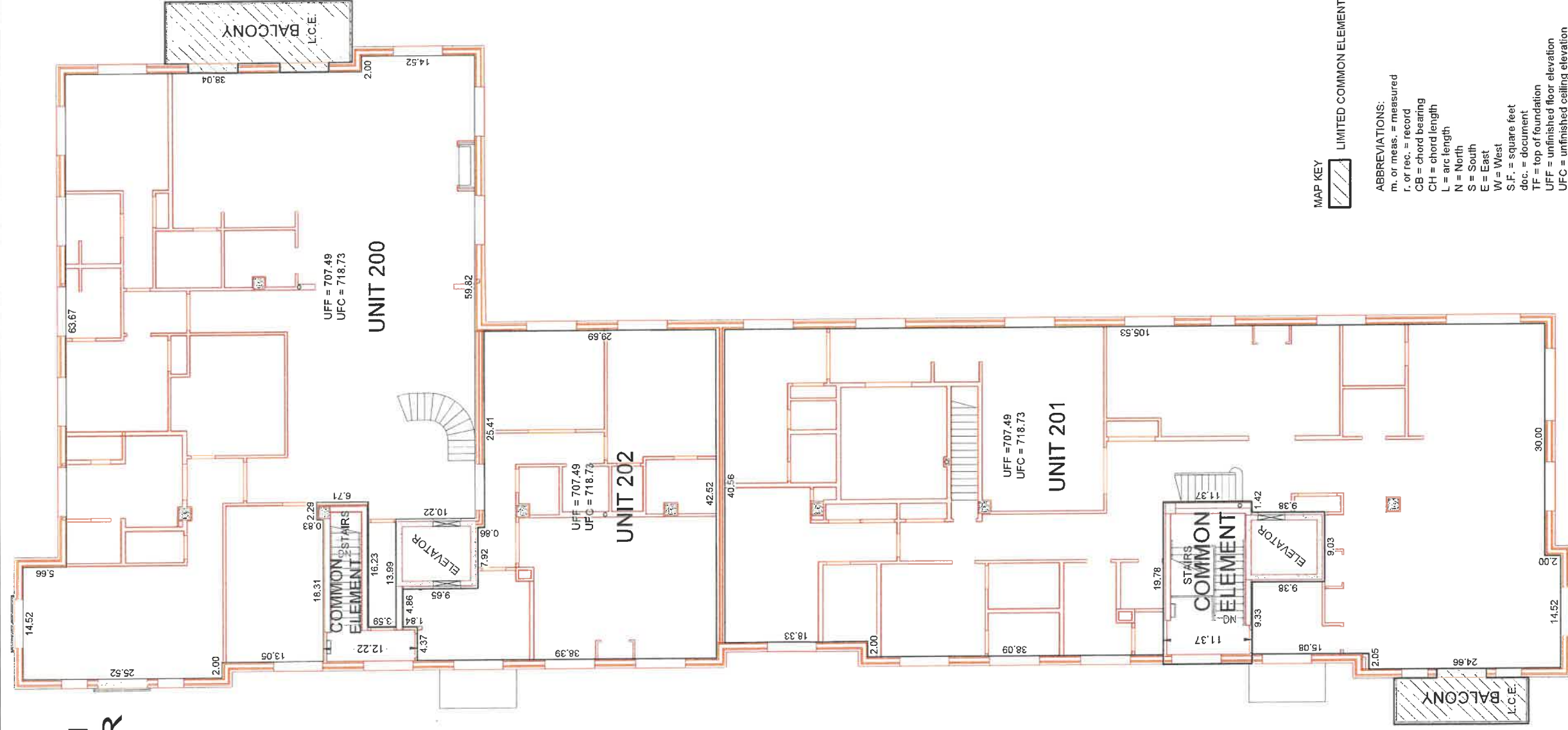
Project No. 70-948-3

BLECK
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Lake Forest, Illinois 60045
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www.bleckeng.co

Revised 1-19-2024 per City review letter dated 12-15-2023.

715 MCKINLEY
CONDOMINIUM
SECOND FLOOR



BENCHMARK:
NE BOLT ON FIRE HYDRANT
EAST ROW MCKINLEY ROAD
AT #721 ENTRANCE
ELEVATION = 699.50 (NAVD 88)

PRELIMINARY

Project No. 70-948-3

BLECK

engineers | surveyors

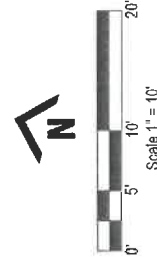
Bleck Engineering Company, Inc.
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Lake Forest, Illinois 60045

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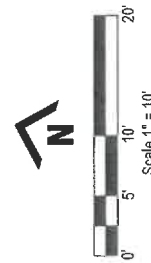
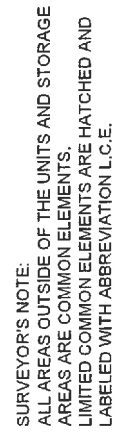
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Revised 1-19-2024 per City review letter dated 12-15-2023.



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PRELIMINARY
Project No. 70-948-3

BLECK
engineers | survivors

Bleck Engineering Company, Inc.
1375 North Western Avenue
Lake Forest, Illinois 60045

Revised 1-19-2024 per City review letter dated 12-15-2023.



PLAN COMMISSION REPORT AND RECOMMENDATION

TO: Honorable Mayor Tack and members of the Council
DATE: February 15, 2024
FROM: Chairman Dixon and Members of the Plan Commission
SUBJECT: **Request for Approval of a Tentative and Final Plat of Subdivision for the Property Located at 195 E. Onwentsia Road and an Associated Variance**

OWNERS

Matt & Nicolle Eisler
51 W. Onwentsia Road
Lake Forest, IL 60045

PROPERTY LOCATION

195 E. Onwentsia Road
South side of Onwentsia
Road,
West of Green Bay Road

ZONING

R-4 Single Family
Residence District

Green Bay Road
Historic District

REPRESENTATIVE

Nick Patera, Teska Associates

Recommendation

Approve the tentative and final plat of subdivision and the associated variance from the minimum lot size for the rear lot of a lot in dept subdivision. The findings in support of this recommendation along with recommended conditions of approval are detailed in the Ordinance included in the City Council's packet.

Summary of the Request

This is a request for tentative and final approval of a two lot, lot in depth subdivision plat for the 3.8 acre property located at 195 E. Onwentsia Road. A variance from the lot in depth minimum lot size is requested for the rear lot to allow the historic landscape elements on the primary lot to remain intact.

Description of the Property and Surrounding Area

The property is zoned R-4 and is located in the Green Bay Road Historic District. The property approaches four acres and is 265 feet wide. The property fronts on the south side of Onwentsia Road and is located five lots in from Green Bay Road. The properties along Onwentsia Road are deep and several have been subdivided over the years as lot in depth subdivisions both on the north and south sides of the road. The surrounding neighborhood is well established but there is ongoing development activity in the form of home renovations and enlargements, the addition of swimming pools and outdoor living spaces, and a

limited number of new homes. A new home is currently under construction on a lot in depth across the street from the subject property.

The subject property is developed with a significant historic residence which is sited about 100 feet back from Onwentsia Road, on generally the front third of the property. There are significant historic landscape features throughout much of the site that remain remarkably intact. The south portion of the property, about the rear third, is not part of the historic landscape and is an open lawn area with two fenced production garden areas. A storage shed is located near the southeast corner of the property. The rear of the property is surrounded by lower quality trees and vegetation and has limited visibility from all directions including from the developed portion of the overall property.

Background Information

Explanation of Historic Residential Historic Preservation Overlay District

The property is within the Green Bay Road Historic District but is not within the Historic Residential and Open Space Preservation Overlay District. The overlay district provides the opportunity for flexibility from specific zoning requirements through a Special Use Permit process.

If the property was within the overlay district, a variance from the minimum lot size would not be required because the overlay district allows lots to vary from standards that apply to minimum lot size, width and setbacks so long as the underlying density is adhered to on the overall property. Instead, in this case, a variance is requested in conjunction with the subdivision to allow the primary lot, Lot 1, the front lot, to be significantly larger than the required minimum lot size, and the rear lot, Lot 2, to be smaller than the required minimum lot size. The subdivision adheres to the permitted density on the site.

Explanation of Lot in Depth Subdivisions

Lot in depth subdivisions, sometimes called panhandle subdivisions, are configured with one lot in front which meets or exceeds the minimum lot width in the zoning district, and a lot to the rear with only limited street frontage that is accessed off of a "panhandle" driveway that is part of the rear lot.

Present Request

The property in this request is large enough to be subdivided into two lots under the lot in depth provisions in full conformance with the Code. Two lots each meeting or exceeding required 66,000 square feet could be created.

The request for a variance is for the sole purpose of preserving the integrity and keeping intact an historic landscape designed by Jens Jensen and Marshall Liston Johnson in 1928. The previous owners, the Goltras, meticulously preserved and protected the historic landscape elements and design for decades. The

new owners have stated the intent to continue the careful stewardship of the property.

To adhere to the minimum lot size for lots in depth, the east/west line property line dividing the front lot from the rear lot would need to be shifted about 20 feet to the north, to a location that would interrupt the historic landscape.

As currently proposed, the east/west property line between the front and rear lots is proposed just to the south of the point at which the curving flagstone paths join together and extend to the south as a single, straight path. The property line as proposed on the plat of subdivision preserves the vegetation line along the south end of the front lot providing the intended termination of views and framing the open lawns and keeps the majority of the flagstone path together, on the front lot. The vegetative buffer that frames the south end of the two lawn areas is a critical component in creating the enclosed “rooms”, which are part of the historic landscape design.

Lot Size

The Code establishes a minimum lot size for lots in depth of 66,000 square feet exclusive of the land area used for driveway that accesses the rear parcel.

A variance is requested to allow the rear lot in this subdivision to be 60,483 square feet, (1.39 acres) 5,517 square feet below the required 66,000 square feet for a lot in depth. The land area on which the driveway is located as proposed, totals 5,656 square feet but as required by the Code, this square footage is not included in the lot square footage.

As noted above, to achieve the minimum lot size for the rear lot, the proposed east/west property line would need to be shifted about 20 feet to the north, into the historic landscape.

Lot 1 in the proposed plan totals 97,940 square feet (2.25 acres) well above the minimum lot size.

Lot Width at Front Lot

The lot width is 265 feet and is consistent across the property, front to back. The front lot exceeds the minimum required lot width of 170 feet for lots in depth.

Setbacks

As required by the Code, 50 foot setbacks are established on all sides of the rear lot by the proposed plat of subdivision.

The existing residence on Lot 1 complies with the 50 setback requirement from the driveway to the rear lot.

Location and Screening of Driveway

As proposed, the driveway to the rear lot will follow the alignment of a previous service road that was used to access the rear part of the lot, which was a working garden, not part of the historic landscape. As proposed, the pavement for the 12 foot wide driveway will be setback from the property line shared with the neighbor to the east five and half feet. As proposed, the setback area will be planted at strategic locations to provide a buffer between the driveway and the neighboring property. Careful attention will need to be paid to provided sufficient screening, and angling the driveway to the west slightly as the rear lot is approached to minimize the potential for headlight impacts on the neighboring property to the east. The driveway for the neighboring property is located generally along the same property line.

Variance Criteria

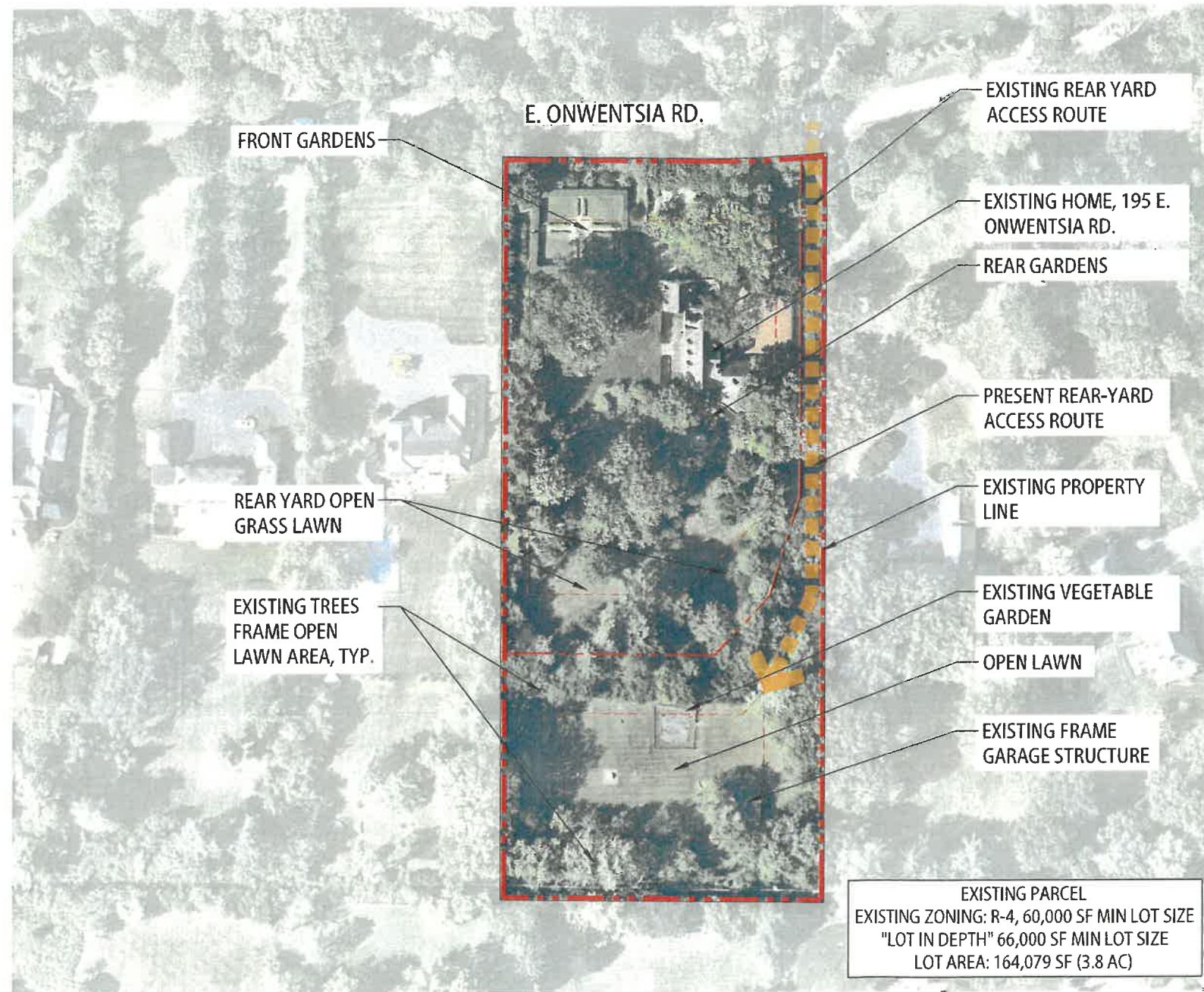
A variance is requested to allow the rear lot to total 60,483 square feet rather than meet the minimum lot size of 66,000 square feet required for lots in depth. The findings of the Commission in support of a variance are detailed in the Ordinance which is included in the City Council packet.

Public Notice

Public notice of this hearing was provided in accordance legal requirements and standard City practices. A legal notice was published in a newspaper of local circulation and a notice was sent to property owners in the surrounding area by U.S. mail.

The agenda for this meeting was posted at various public locations and on the City's website.

Two neighbors on Foster Place, to the south of the property expressed a preference that the property is not subdivided. Alternatively, they asked that the size of the front lot be reduced, and the rear lot expanded. The Commission concluded that preserving the integrity of the historic garden is justification for the requested variance. The Commission also noted that even with the variance to allow the rear lot to be reduced in size by just under 6,000 square feet, all of the required zoning setbacks are fully met and the setbacks for the rear yard would not change. A landscape buffer is established on the plat of subdivision along the south property line, adjacent to the properties on Foster Place.



EXISTING REAR LOT ACCESS ROUTE ALONG EAST SIDE



EXISTING OPEN LAWN SOUTH END OF LOT

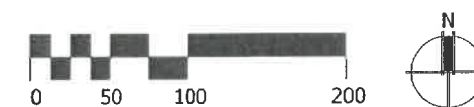


EXISTING GARAGE AT SOUTH END OF LOT

EXISTING SITE

195 E. ONWENTSIA RD.

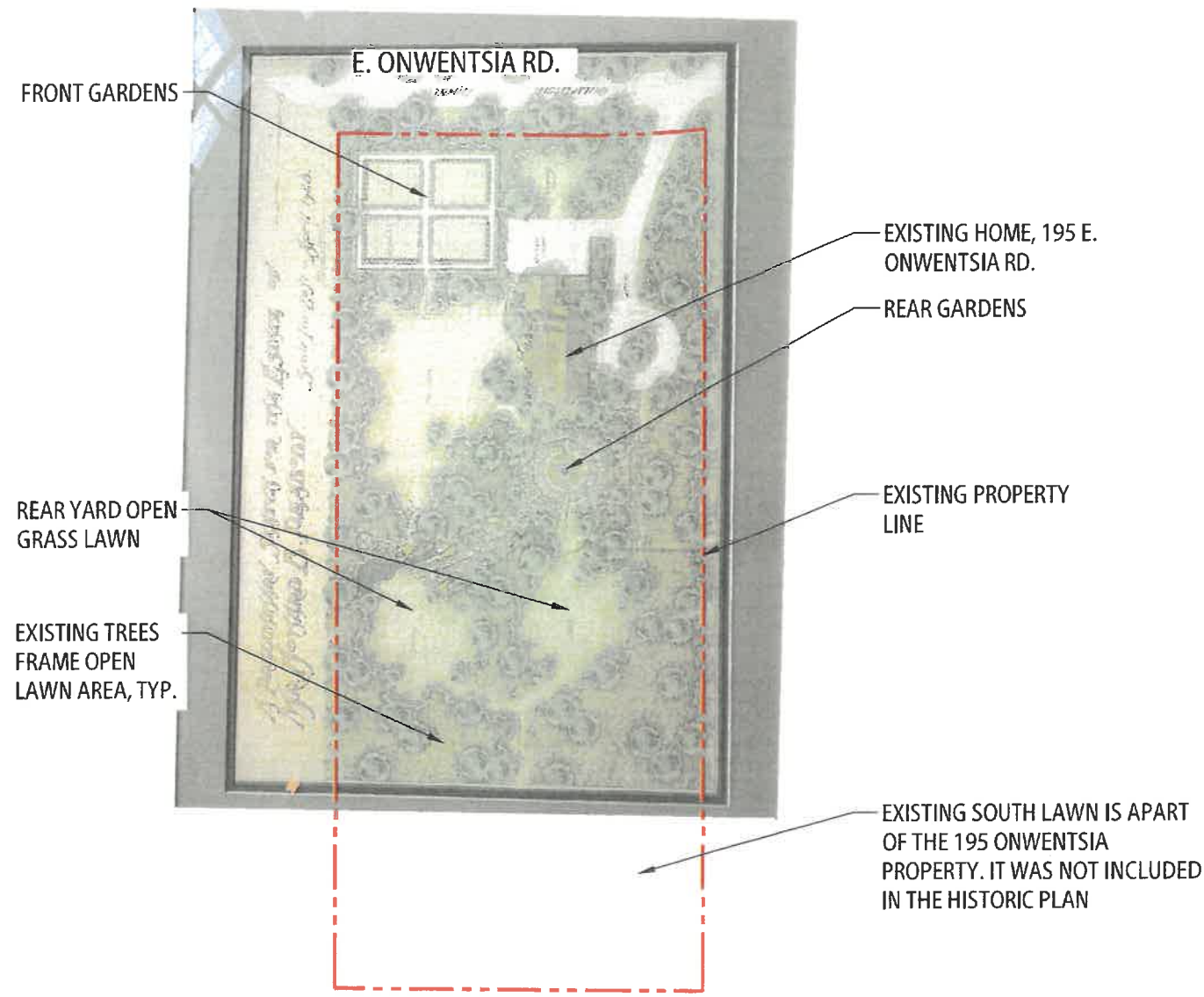
LAKE FOREST, ILLINOIS



February 5, 2024

L-1





HISTORICAL 1928 LANDSCAPE PLAN

195 E. ONWENTSIA RD.

LAKE FOREST, ILLINOIS



February 5, 2024

L-2



THE CITY OF LAKE FOREST

ORDINANCE NO. 2024-__

AN ORDINANCE GRANTING A VARIANCE FROM THE MINIMUM LOT SIZE FOR THE
REAR LOT OF A LOT IN DEPTH SUBDIVISION AT 195 E. ONWENTSIA

WHEREAS, Matt & Nicolle Eisler ("**Owners**") are the owners of that certain real property commonly known as 195 E. Onwentsia Road, Lake Forest, Illinois and legally described in Exhibit A, attached hereto ("**Property**"); and

WHEREAS, the Property is located in the R-4, Single Family Residence Zoning District; and

WHEREAS, the Owners desire to subdivide the property into two lots through the lot in depth subdivision process as provided for in the Zoning Code and as depicted on the plat of subdivision attached hereto as Group Exhibit B ("**Plans**"); and

WHEREAS, the Owners submitted an application ("**Application**") requesting approval of a variance from Section 159.008, Lot in Depth Subdivisions, to allow the square footage of the rear lot to be smaller than the required minimum lot size; and

WHEREAS, the permitted underlying density is adhered to; and

WHEREAS, the variance is requested to allow the features of an historic landscape to remain intact on the front, larger property; and

WHEREAS, pursuant to notice duly published, the Plan Commission reviewed and evaluated the Plans at a public hearing held on February 15, 2024; and

WHEREAS, the Plan Commission, having fully heard and having considered the evidence and testimony by all those attending the public hearing who wished to testify, made the following findings:

1. The proposed lot is not visible from the street and is very well screened from views from off site. The improvement of what was used as a service road to the rear of the property in the past, along the east side of the property, is not inconsistent with the Onwentsia Road streetscape. Driveways to rear lots are found at various locations along both the north and south side of the road. The improved driveway will be twelve feet in width and will not appear inconsistent with the width of other driveways in the neighborhood.

2. The property is unique and is the site of a mostly intact landscape designed by Jens Jensen and Marshall Liston in 1928. The property characteristics and historic importance are extraordinary unique and not generally applicable to other properties within the same zoning classification.
3. This criterion is not satisfied however unique mitigating factors exist given the historic importance of the site. The hardship in conforming to the current lot in depth minimum lot size results from the desire to preserve the integrity of the 1928 historic landscape. An illustration of the historic landscape plan is included in the Commission's packet for reference. The historic landscape plan did not encompass the entire property, the south portion of the property was never part of the historic landscape but instead was a working part of the property. Based on available City records, the parcel, in its entirety, in the present configuration, was established prior to the City's adoption of a Zoning Code and subdivision requirements.
4. Although the request for a variance to allow the rear lot to be smaller than the minimum size for a lot in depth is the result of the current owners' intended actions, to subdivide and sell off the south portion of the property as a separate lot, there is value to the community and to the Green Bay Road Historic District in preserving the historic landscape intact, on a single property, with a vegetative buffer all around to protect the privacy, intimacy, and sense of seclusion. The importance of this unique landscape merits consideration of how the City can best support its preservation long into the future.
5. The proposed rear lot is well screened from all surrounding properties and will not have negative impacts on the surrounding homes, public safety, traffic volume, of property values.
6. A 30 foot landscape buffer is proposed on all sides of the rear lot, within the 50 foot setback. The landscape buffer requires that the density of vegetation be maintained within that area although replacement of non-native vegetation with native vegetation would be permitted.

and recommended that the City Council approve the variance subject to the terms and conditions hereinafter set forth; and

WHEREAS, the Mayor and City Council, having considered Owners' Application for a variance to allow the rear lot of a lot in depth subdivision to be smaller than the minimum lot size and the findings and recommendations of the Plan Commission, have determined that it is in the best interests of the City and its

residents to grant approval of the requested variance subject to the terms and conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAKE FOREST, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Approval of Application. Pursuant to Section 159.042 of the City Code, and subject to the limitations therein and the conditions set forth in Section Four of this Ordinance, the City Council does hereby grant approval of the Application to allow the rear lot of a lot in depth subdivision to be smaller than the minimum lot size as more fully depicted on the Plans.

SECTION THREE: Minimum Lot Size Variance Granted. Based on the findings presented above, the City Council does hereby grant approval of the requested variance to allow the rear lot of a lot in depth subdivision to be 60,483 square feet.

SECTION FOUR: Conditions on Approval. The approval granted pursuant to Sections Two and Three of this Ordinance shall be, and is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the Mayor and City Council, render void the approvals granted by this Ordinance:

- A. Landscape Plan. A detailed landscape plan shall be submitted for the area to the east of the driveway to Lot 2. Careful attention shall be paid to protecting and preserving healthy trees near the driveway and to minimizing the impact of headlights on the neighboring home. The landscape plan shall be subject to review and approval by the City's Certified Arborist.
- B. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

- C. Compliance with Laws. Chapters 150, regarding building and construction, 156, regarding subdivisions, and 159, regarding zoning, of the City Code, and all other applicable ordinances and regulations of the City shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- D. Tree Preservation. The Owners will fully comply with Chapter 99 of the City Code, regarding trees, as it relates to the construction of the Improvements.
- E. Staging, Parking and Storage. Prior to the issuance of building permits, a plan for staging and storage of construction and demolition materials and a plan for parking construction vehicles shall be submitted and will be subject to City review and approval.
- F. Compliance with the Plans. The subdivision must be in conformance with the plat presented to the Plan Commission which is attached hereto and made a part hereof.
- G. Fees and Costs. The Owners shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the City Code. In addition, the Owners shall reimburse the City for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or successful enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the City shall have the right to foreclose such lien in the name of the City as in the case of foreclosure of liens against real estate.

SECTION FIVE: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall, in the discretion of the City Council, be of no force or effect if the Owners have not (i) executed and (ii) thereafter filed with the City Clerk, within 90 days following the passage of this Ordinance, the unconditional agreement and consent, in the form attached hereto as Exhibit C and by this reference made a part hereof, to

accept and abide by each and all of the terms, conditions, and limitations set forth herein. The City Clerk is hereby directed to record this Ordinance and such agreement and consent with the Recorder of Deeds of Lake County.

PASSED THIS __ DAY OF _____, 2024.

AYES: ()

NAYS: ()

ABSENT: ()

ABSTAIN: ()

PASSED THIS __ DAY OF _____, 2024.

Mayor

ATTEST:

City Clerk

FINAL PLAT OF SUBDIVISION - #195 ONWENTSIA

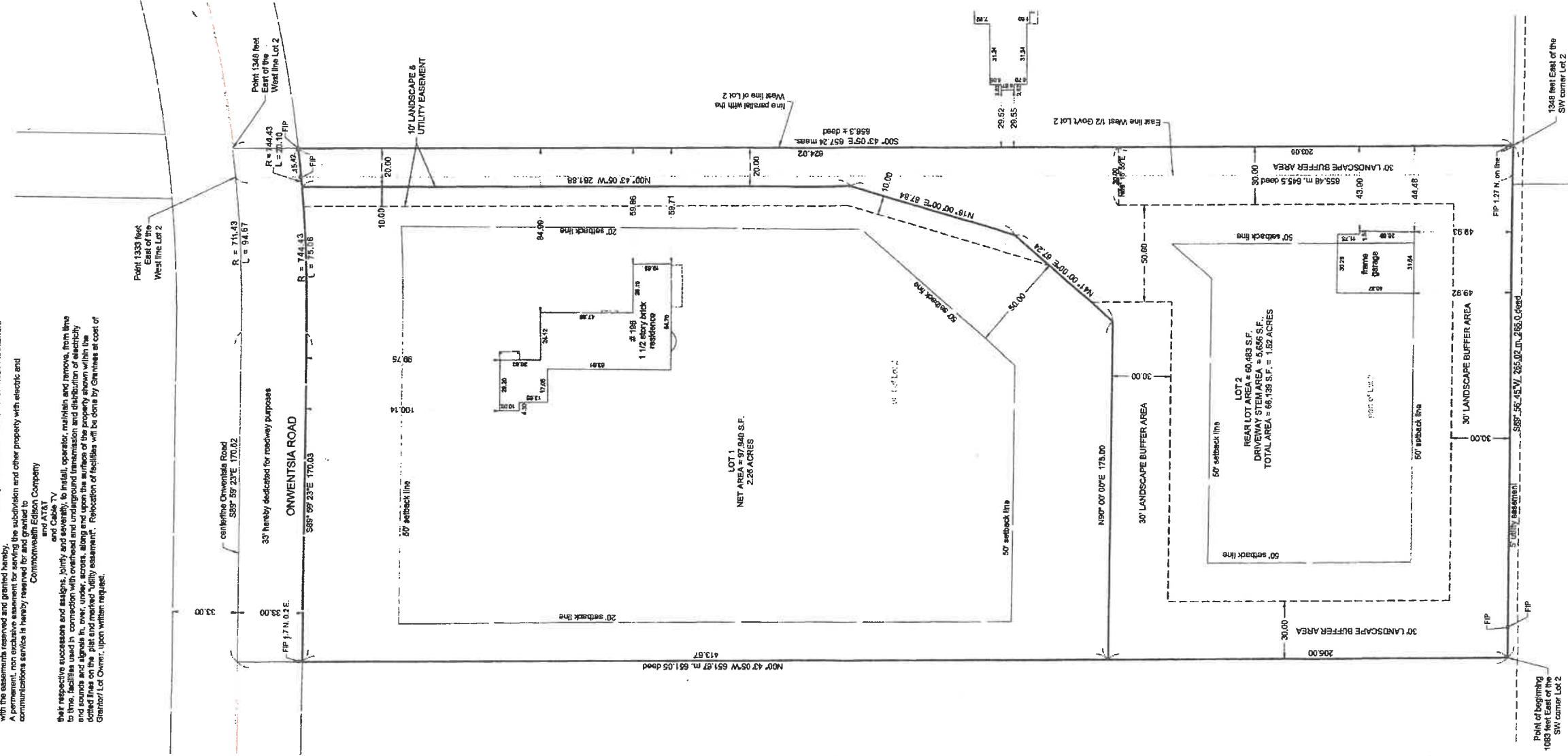
PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

An easement is hereby reserved for and granted to North Shore Gas Company, its successors and assigns, in all platted "utility easement" areas, ariels, alleys, and other public ways and places shown on this plat. Said easement to be for the installation, maintenance, relocation, renewal and removal of gas mains and appurtenances for the purpose of serving all areas shown on this plat as well as other property, whether or not shown on this plat. No buildings or other structures shall be constructed or erected in any such "utility easement" areas, nor shall any other use be made thereof which will interfere with the easements reserved and granted hereby.

A permanent, non-exclusive easement for serving the subdivision and other property with electric and communications service is hereby reserved for and granted to

Commonwealth Edison Company
and AT&T

their respective successors and assigns, jointly and severally, to install, operate, maintain and remove, from time to time, facilities used in connection with overhead and underground transmission and distribution of electric and communications service, including but not limited to, poles, towers, guy wires, cross-arms, insulators, conductors, cables, and other appurtenances, along and upon the surface of the property shown within the dotted lines on the plat and marked "utility easement". Relocation of facilities will be done by Grantee at cost of Grantor/ Lot Owner, upon written request.







PLAN COMMISSION REPORT AND RECOMMENDATION

TO:	Honorable Mayor Tack and members of the Council
DATE:	February 15, 2024
FROM:	Chairman Dixon and members of the Plan Commission
SUBJECT:	<i>Special Use Permit for Starbucks on the SE Corner Waukegan and Everett Roads</i>

Property Owner

1015 LLC and 1045 LLC
Carmine Iosue 65%
Luke and Nicole Mertens 14%
Joshua Iosue 7%
Megan Iosue 7%
Joseph Iosue 7%

Property Location

Southeast Corner –
Waukegan/Everett Roads

Zoning District

B-1 – Neighborhood
District

Applicant: Iosue Investments, LLC
1025 W. Everett Road
Lake Forest, IL 60045

Representatives: Carmine Iosue, Owner
Jack Frigo, Real Estate Advisor
Various consultants

Plan Commission Recommendation

Approve an Ordinance granting a Special Use Permit for Starbucks with a drive through on the southeast corner of Everett and Waukegan Roads generally consistent with the site plan presented.

Summary of the Request

This is a request for approval of a Special Use Permit for a Starbucks with double stacking drive through lanes. The Code requires drive throughs of any type to be considered through the Special Use Permit process and evaluated based on the applicable standards and criteria which are detailed later in this report.

Starbucks was previously presented as part of a larger redevelopment plan for the site. In response to concerns expressed about the scale and details of the overall site plan, and to allow development of the corner with a Starbucks to move forward in the near term, the approvals requested at this time apply *only* to the Starbucks. The remainder of the property remains buildable. Future plans for development on the south portion of the site will require City review and approval. Approval of the present request does not provide any certainty of

approval of any specific future plan. No subdivision or lot reconfiguration is requested at this time.

Background

The parcel proposed for redevelopment with a 2, 200 square foot Starbucks and drive through is just under half an acre. The parcel is part of a larger development site which totals 2.3 acres. The entire property is in a single ownership. The Starbucks will be located on the southeast corner of the intersection of Waukegan and Everett Roads. A highly visible corner that has been vacant for about 15 years since the gas station that was previously located on the site closed.

Today, the parcel proposed for development with a Starbucks is almost entirely impervious surface with little to no landscaping along the streetscapes. The parcel proposed for development is not adjacent to any residential development. The Starbucks parcel is adjacent to the 1025 Everett Road office building to the east. To the south, the remainder of the development site will remain vacant for the near term but will be improved in part to provide access and parking for the Starbucks and the existing office building. Redevelopment of this corner has long been anticipated and will enhance the southern entrance to Lake Forest and the Waukegan Road/Settler's Square business district by infilling the prominent corner. Moving forward with the Starbucks in the short term could attract interest, new ideas, and will help to inform what type of development may be workable for the remaining portion of the development site.

In the interim, it will be important to properly maintain the vacant parcel on an ongoing basis. Treating the streetscape along Waukegan Road with a decorative fence and landscaping to minimize views into the vacant site is encouraged as part of the development of the Starbucks site.

History

For many years, the overall site was owned by the Wilson family and was formerly the site of an Amoco gas station and the Pasquesi garden supply store. Both businesses vacated the site in 2008 and the site has been unoccupied since that time. The gas station building, and the underground fuel tanks were removed from the site a number of years ago.

In 2008, the City approved a plan for redevelopment of this site with retail and service businesses. A drug store with a drive thru for a pharmacy was proposed on the southern part of the site, a smaller, multi-tenant commercial building was proposed on the northern end of the site, at the corner. Due to the economic downturn, redevelopment of the site as approved in 2008 did not proceed.

In 2011, the property was acquired by IP Properties, the local Stuart family, as a long term investment. In 2015 and 2016, the Plan Commission considered a

petition for a gas station, car wash and convenience store on this property. That proposal did not receive approval due to the industrial nature of the use and the potential for off site impacts including noise, lights, traffic congestion, and early morning and late night activity.

In 2019, Iosue Investments purchased the property and completed some cleanup of the site including removal of the former Pasquesi garden store building. Mr. Iosue and his partners were the perfect buyers for the site because they own the office building at 1025 Everett Road and have the ability to combine the parcels into a single 2.3 acre development site. With the larger, combined site, there are opportunities for improved access away from the intersection, and for various buildings to share services and amenities.

In 2021, approval was granted to Iosue Investment for an overall development plan for the site which included a medical office building and a coffee shop. The plan incorporated shared parking and circulation and relied on off site parking for employees of the medical office building and the existing 1025 Everett Road office building. The development never proceeded due to difficulty in securing tenants for the medical office building. However, conversations with Starbucks progressed.

In 2023, Iosue Investments, in coordination with a residential developer, presented a revised plan for the overall site to the Plan Commission. The revised plan replaced the previously approved medical office building with a four story apartment building. The Starbucks remained as part of the plan with the original single drive through lane enhanced with a second stacking lane. During the public hearing, concerns were raised about the tightness of the site, adequacy of parking, on site circulation, the number of variances associated with the multi-family building and the overall scale of the development. The Plan Commission recommended denial of that plan. The developer withdrew the petition prior to City Council consideration and returned to the Plan Commission with the current plan which phases development on the site beginning with a Starbucks. This approach allows the property owner to begin to realize some return on investment in the property and potentially spark other interest and ideas for development of an appropriate scale on the remainder of the site.

Staff Review

As noted above, the owner is requesting a Special Use Permit to allow construction of a 2,200 square foot building for a Starbucks, a drive through with a double stacking lane, parking, a trash enclosure, sidewalks, and the installation of landscaping.

❖ Drive Thru – Special Use Permit Criteria

The City Engineer completed a preliminary review of the plan currently presented and found that the proposed improvements, parking, circulation, ingress and egress, meet applicable standards.

As noted above, the Code requires that a drive through be authorized, if determined to be appropriate, through a Special Use Permit. Special Use Permits are issued to approve specific uses and businesses. The approval, if granted, will limit the use of the drive through to a Starbucks. If another business is proposed in the space and desires to use the drive through, an amendment to the Special Use Permit will be required.

The Commission's findings in support of a Special Use Permit for Starbucks are detailed in the Ordinance in the Council packet.

❖ **Zoning**

The purpose of the B-1 district as stated in the Zoning Code is as follows:

The B-1 Neighborhood Business District is designed to accommodate small retail and service businesses required to meet the frequently recurring needs of residents in adjacent or nearby residential areas.

The location of Starbucks on this site is consistent with the stated purpose of the B-1 District. A coffee shop with walk in and drive through options provides retail sales and a service frequently used by residents living in the area and those passing through the area.

The following requirements in the B-1 Zoning District are applicable to this development.

Setbacks. Front and corner side yard setbacks of 20 feet are required in the B-1 Zoning District. The Starbucks building as proposed fully complies with the setback requirement. It is important to note that the 20 foot setback is measured from the future property line as shown on the plan, anticipating the dedication of right-of-way to the City to allow increased width of Everett Road.

Lot Coverage. The B-1 District allows buildings to cover up to 30 percent of the entire land area. The Code provides for a development bonus allowing coverage of up to 45 percent through the issuance of a Special Use Permit. The Starbucks building alone on the individual parcel, and in combination with the existing 1025 Everett Road building, complies with the 30 percent building coverage limitation. Use of the bonus coverage is not required or requested.

Open Space. The B-1 District requires 15% of the site to be open space. The Code for purposes of this requirement, defines open space to include landscape perimeters, pedestrian paths and gathering areas and is intended to enhance the development site as well as the streetscape. The proposed development exceeds this requirement.

Perimeter Buffering. The Code requires that parking lots be adequately screened by landscaping, fencing or both. A conceptual landscape plan is included in the Commission's packet and will be subject to review by the Building Review Board and ultimately, approval by the City Council.

Screening of Trash Enclosures. The trash area is located off the southeast corner of the Starbucks, adjacent to the parking spaces. The trash collection area will need to be enclosed with fencing which will also be subject to review by the Building Review Board and approval by the City Council.

❖ **Safe and efficient ingress and egress.**

Access to the overall development site is limited. One of the most difficult aspects of this site, regardless of how the site is developed, is the ingress and egress. A total of three access points to the entire 2.3 acre site are proposed and will be available to serve Starbucks and the 1025 Everett Road building even while the southern portion of the site remains vacant.

- A full access is proposed at the southwest corner of the site, on to Waukegan Road. This access will accommodate full turning movements.
- An access with limited turning movements, right in and right out, is proposed just south of Starbucks on Waukegan Road. This access is set away from the intersection but for safety, left turn movements in to or out of the site are not permitted.
- A third access point is located at the northeast corner of the entire 2.3 acre site. This access point already exists at the entrance to the 1025 Everett Road office building. This access will continue to allow full turning movements and will be enhanced with the addition of a third lane to minimize congestion on Everett Road at peak times. The driveway will not encroach toward the shared property line with the neighboring residential property except at the driveway apron, near Everett Road.

A bicycle rack is provided to the south of the coffee shop building.

❖ **Parking.**

Fifteen parking spaces are shown on the site plan, eight customer spaces, one accessible space, and six parking spaces designated for Starbucks employees. The double stacking lane for the drive through is specifically designed to minimize the potential for queuing cars to overflow into the travel lane in front of the parking spaces. At fifteen spaces, the number of parking spaces exceeds the four spaces per 1,000 square feet of building floor area required by the Code. The plan as presented provides just over seven parking spaces per 1,000 square foot of building floor area.

❖ **Comprehensive Plan**

The Comprehensive Plan Chapter pertaining to the Waukegan Road/Settlers' Square Business District was recently updated. This site is identified as an

"Opportunity Area" for mixed use development. The overall site is already developed with an office building. Starbucks is a compatible use.

The proposed development is consistent with several of the Fundamental Concepts of the Comprehensive Plan for this area.

Comprehensive Plan: Encourage a balance of different types of commercial uses recognizing that retail and restaurant businesses require support from professional offices, located nearby to add to the customer base.

Comprehensive Plan: Provide flexibility; the ability to incorporate various types of uses along Waukegan Road to create synergy and a vital business district.

The Starbucks will bring activity to this prominent corner and could set the stage for redevelopment of the south portion of the site with appropriate uses of an appropriate scale. A coffee shop integrates well with the existing 1025 office building and with other uses in the area.

Starbucks is currently located in the Settlers' Square Business District; however, the current location does not have a drive through or the space to create one. The availability of the site in this request assures that Starbucks can remain in the area while at the same time providing convenience for customers and aligning with company goals to provide drive through service at stores in high traffic areas.

Comprehensive Plan: Limit uses in the district to those that are low impact non-industrial in nature with respect to noise, lighting levels, late night activity, public safety, congestion, odors, exhaust and mechanical equipment.

Starbucks is not an industrial use. Starbucks with and without drive throughs are commonly found in business districts and meet the needs of residents, visitors, and passersby. The drive through is located away from residential development, at a busy intersection, near a railroad crossing. Although Starbucks will have early morning hours, the noise and light levels will not be inconsistent with current activity levels at the intersection. All mechanical equipment for the building will be screened from view.

The Building Review Board will review a detailed lighting plan to verify that all lighting is directed down and on to the site and that light fixtures obscure the light source. An after hours reduced lighting plan for the overall site and the building will be required to document that lighting levels will be reduced as activity on the site diminishes in the evening and that through the night, only safety and security lighting is in use.

Comprehensive Plan: Encourage partnerships, collaboration and cooperation among businesses, institutions and professional offices in the district.

As proposed, Starbucks is part of a larger development site part of which is already developed with an office building. The consolidation of the 2.3 acre parcel provides for shared access to the overall site away from the intersection. As further plans are developed for the site, careful review will be important to assure that on site circulation is efficient and safe, that shared open space is provided, and that overall, there continues to be sufficient parking on the site to meet the needs of employees and customers.

Comprehensive Plan: Reserve land for future right-of-way dedication as redevelopment occurs along Waukegan and Everett Roads as determined to be necessary by IDOT and the City Engineer to meet future road improvement needs.

The petitioner has been proactive in communicating with IDOT and the City about planned intersection improvements. The plan as presented reserves the land needed for future right-of-way.

The future planned intersection improvement project involves the addition of a right turn lane on southbound Waukegan Road and the addition of a right turn lane on eastbound Everett Road. The right turn lane on Everett Road will extend west, across the railroad tracks, to provide for significant stacking. The addition of the right turn lanes is intended to allow traffic to flow more smoothly through the intersection. A right turn lane is planned on westbound Everett Road, on to Waukegan Road. This intersection project has been in the queue with Federal and State agencies and with Metra for quite some time however, the project still appears to be two to three years out.

Additional width will be added to the Everett Road right of way along the north edge of the proposed development. The developer, Mr. louse, has already agreed to transfer the required land area to the City to support the project and the property lines on the proposed site plan reflect the land transfer. This added width will facilitate turning movements eastbound on to Everett Road from Waukegan Road. In addition, the existing left turn stacking lane for vehicles traveling westbound on Everett Road will be extended to the east to provide additional space for queuing and to facilitate left turns into the development site.

Comprehensive Plan: Encourage outlots, close to the streetscape to increase visibility and awareness of the business district.

Starbucks is sited close to the street and will have a streetscape presence, anchoring the corner. Views of the drive through from Waukegan and Everett Roads will be softened with landscaping.

Comprehensive Plan: Encourage below grade/low structure parking as redevelopment occurs to meet parking needs. Minimize the expanse of surface parking lots to provide opportunities for increased density and intensity of use.

Parking for Starbucks exceeds the Code requirements but is not excessive. The expectation is that many Starbucks customers will use the drive through, the ability to order using the app has reduced wait times. Parking will need to be addressed as part of any plan for development of the remainder of the site.

Comprehensive Plan: Provide transition/buffer areas for adjacent residential uses. Direct the placement of delivery and trash areas away from neighboring homes.

The trash enclosure for Starbucks is located near the building, a significant distance away from neighboring residential development.

Comprehensive Plan: Direct all exterior lighting downward and require fixtures to shield the source of light to avoid off site impacts on adjacent residential properties. Reduce lighting levels after business hours.

As noted above, lighting will be reviewed by the Building Review Board.

Based on the Plan Commission's review, the proposed development conforms satisfactorily to applicable regulations and standards. The criteria for a Special Use Permit appear to be satisfied. No variances are requested.

Public Comment

Public notice of this petition was provided in accordance with applicable requirements. Notice of the public hearing was mailed by the Community Development Department to surrounding properties and a notice was published in the local newspaper. The agenda for this meeting was posted at various public locations and on the City's website.

THE CITY OF LAKE FOREST

ORDINANCE NO. 2024-_____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AUTHORIZING A DRIVE THROUGH FOR A STARBUCKS ON THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF EVERETT AND WAUKEGAN ROADS

WHEREAS, 1015 LLC and 1045 LLC, (Carmen Iosue, Luke and Nicole Mertens, Joshua Iosue, Megan Iosue and Joseph Iosue) ("**Owner/Developer**") intend to redevelop that certain real property located on the southeast corner of Everett and Waukegan Roads Lake Forest, Illinois and legally described in Exhibit A, attached hereto ("**Property**"); and

WHEREAS, the Property is located in the B-1 Neighborhood Business District under the Lake Forest Zoning Ordinance; and

WHEREAS, the Property historically was the site of a gas station, vehicle service and repair shop, and a garden supply retail business with indoor and outdoor merchandise displays; and

WHEREAS, the Property has been vacant for more than ten years and cited by many as an eyesore at the south entrance to one of the City's business districts; and

WHEREAS, the B-1 District permits retail, service, and restaurant however, businesses with a drive through are only permitted if approved by the City through the granting of a Special Use Permit; and

WHEREAS, the Owner/Developer has filed a petition (the "**Petition**") for a Special Use Permit ("**SUP**") to authorize a Starbucks with a drive through to be located on the southeast corner of the intersection of Everett and Waukegan Roads; (the "**Improvements**"); and

WHEREAS, the Petition was filed in accordance with the regulations of Section 159.045, Special Uses, of the Lake Forest Zoning Code; and

WHEREAS, the Plan Commission did conduct a properly noticed public hearing on the Petition that occurred on February 15, 2024 and after having fully heard and having considered the evidence and testimony by all those who wished to testify and after deliberating, voted 7 to 0, to make the following findings and to recommend approval of the Petition being the proposed redevelopment and use of the Property with the Improvements as generally depicted in Exhibit B, the Site Plan, subject to the terms and conditions of approval hereinafter set forth:

Findings

1. The drive through as proposed does not interfere with on street traffic since the access points to the overall development are set apart from the drive through lanes. The drive through lanes do not cross public sidewalks or directly enter from or exit on to public streets.
2. A pedestrian crossing extends from the Starbucks across the exit from the drive through lane in a north/south direction. A second pedestrian crossing extends across the travel lane in the Starbucks parking lot, in an east/west direction, just beyond the exit from the drive through lane. The priority in the site design presented is to avoid conflicts with public streets or sidewalks and the drive through lane. This plan successfully does that.
3. Connections to and from public sidewalks along Waukegan and Everett Roads are provided into the site. The connections direct pedestrians on to the site at appropriate locations, away from the double stacking lane and the length of the drive through lane. There are two points of potential pedestrian and vehicle conflict on the site which will need to be clearly called out near the point at which vehicles exit the drive through lane. In these areas, vehicles will likely be moving slowly.
4. A sidewalk connection is provided from the rear employee entrance of the 1025 Everett Road office building to Starbucks to facilitate pedestrian movement within the site. Consideration should be given to additional pedestrian connections at the time a plan is considered for the south portion of the site.
5. The pedestrian crossings near the drive through exits will be clearly marked to alert drivers and pedestrians to potential conflicts.

6. Starbucks is proposed near a busy intersection, away from residential development. Developing the long vacant corner location will add to the vitality of the business district and enhance the appearance of the south entrance to the business district.
7. Development of this corner has long been anticipated and envisioned as a single story building that provides services and products to meet the needs of residents in the area. Due to the configuration of the site, the remainder of the site, the south portion can be developed with a compatible use. The points of ingress and egress to the overall site have already been determined and will serve the entire development site. IDOT approval will be required, and the current plans have been designed in response to prior IDOT input. Plans are in place to improve the intersection which will facilitate traffic movement in the area.
8. Adequate utilities are in place to serve the site. The entire site was previously developed.

WHEREAS, the City Council (i) concurs with the findings of the Plan Commission, (ii) finds that the uses and Improvements included in the Proposal and as authorized herein will satisfy the requirements of Section 159.045 of the Zoning Code, and (iii) subject to the terms and conditions herein set forth, finds and determines that it is in the best interests of the City and its residents to approve the Proposal and grant the SUP as set forth in the Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY MAYOR AND THE CITY COUNCIL OF THE CITY OF LAKE FOREST, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE. **Recitals:** The foregoing recitals are incorporated into this Ordinance as if fully set forth.

SECTION TWO. **Approval of SUP:** Pursuant to Section 159.045 of the Zoning Code and subject to the limitations set forth in the City Code and the conditions set forth in Section Three of this Ordinance, the City Council hereby approves the Petition and grants the SUP authorizing the use and related Improvements on the Property, as more fully depicted on the Site Plan.

SECTION THREE: Conditions on Approval. The approval granted pursuant to

Section Two of this Ordinance shall be, and is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the Mayor and City Council, render void the approvals granted by this Ordinance:

- A. Future Development. Acknowledge that the site plan designates the south portion of the overall site for future development which will be subject to City review and approval.
- B. Building Review Board. The building, landscaping, hardscape, signage, and exterior lighting shall be subject to Building Review Board review and approval.
 - The Building Review Board is asked to review pavement markings and on site signage at the two conflict points near the vehicle exit from the drive through.
 - The Building Review Board is asked to review fencing, landscaping, or a combination of both for the Waukegan Road street frontage of the vacant portion of the property.
- C. Pedestrian Connections. When a plan is considered for development of the remainder of the site, particular attention should be paid to opportunities for expanded pedestrian connections throughout the site.
- D. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- E. Compliance with Laws. Chapters 150, regarding building and construction, 156, regarding subdivisions, and 159, regarding zoning, of the City Code, and all other applicable ordinances and regulations of the City shall continue to apply to the Property, and the development and use of the Property must be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- F. Compliance with the Plans. The Improvements (including on-site landscaping and screening) must be developed on the Property in substantial compliance with the Site Plan; provided, however, that final plans for signage, exterior lighting and landscaping shall be subject to the review and recommendation of the Building Review Board and ultimate approval of the City Council.

G. Fees and Costs.

The Owner/Developer shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the City Code. In addition, the Owner/Developer (or the successor of Owner) shall reimburse the City for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or successful enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the City shall have the right to foreclose such lien in the name of the City as in the case of foreclosure of liens against real estate.

H. Use Limitations.

The drive thru shall only be used for a coffee shop type business. Any proposed use for another purpose including, but not limited to, a fast food restaurant or a bank shall be subject to further review and approval by the City through a public review process.

SECTION FOUR: Amendment to Ordinance. Any amendments to the terms, conditions, or provisions of this Ordinance that may be requested after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in Section 159.045 of the Zoning Code, including an amendment to the SUP itself in the manner provided in the Zoning Code and by applicable law.

SECTION FIVE: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall, in the discretion of the City Council as set forth in a resolution duly adopted without public notice or hearing, be of no force or effect if Owners have not (i) executed and (ii) thereafter filed with the City Clerk, within 60 days following the passage of this Ordinance, the unconditional agreement and consent, in the form attached hereto as Exhibit C and by this reference made a part hereof, to accept and abide by each and all of the terms, conditions, and limitations set forth herein. The City Clerk is hereby directed to

record this Ordinance and such agreement and consent with the Recorder of Deeds of Lake County.

PASSED THIS ____ DAY OF _____, 2024.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

City Clerk

