

**THE CITY OF LAKE FOREST  
CITY COUNCIL AGENDA**

**\*\* Tuesday**, September 7, 2021 at 6:30 pm

**REMOTE ACCESS MEETING**

Please be advised that all of the City Council members will be remotely attending this Council meeting by electronic means, in compliance with the recent amendments to the Open Meetings Act. The Mayor of the City Council has determined that it is not prudent or practical to conduct an in-person meeting due to the COVID-19 pandemic and that it is not feasible to have the City Council members or members of the public physically present at the meeting due to the pandemic disaster.

The City will be providing members of the public with various opportunities to watch or attend this meeting, as well as provide public comment at the meeting. For example, members of the public can participate remotely in the meeting by following the public audience link which will provide both video and audio means to attend the meeting.

Public Access Link

<https://us02web.zoom.us/j/83517498031?pwd=akJnQ3MvRzN2cFkvNmtaQzRaZ1MrZz09>

Webinar ID: 835 1749 8031

Passcode: 1861

**CALL TO ORDER AND ROLL CALL**

**6:30 p.m.**

Honorable Mayor, George Pandaleon

James E. Morris, Alderman First Ward

Jim Preschlack, Alderman Third Ward

Jennifer Karras, Alderman First Ward

Ara Goshgarian, Alderman Third Ward

Melanie Rummel, Alderman Second Ward

Raymond Buschmann, Alderman Fourth Ward

Edward U. Notz, Jr., Alderman Second Ward

Eileen Looby Weber, Alderman Fourth Ward

**PLEDGE OF ALLEGIANCE**

**REPORTS OF CITY OFFICERS**

**1. COMMENTS BY MAYOR**

**2. COMMENTS BY CITY MANAGER**

**A. Community Spot Light**

**- Open Lands, Susie Hoffman, Director of Education and Center for Conservation Leadership**

**3. OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL**

Members of the public can provide public comment by calling the following number during the meeting: 847-810-3643

**4. COMMITTEE REPORTS**

**5. ITEMS FOR OMNIBUS VOTE CONSIDERATION**

**1. Approval of August 2, 2021, City Council Meeting Minutes**

A copy of the minutes can be found beginning on **page 8**

COUNCIL ACTION: Approval of August 2, 2021, City Council Meeting Minutes.

**2. Approval of the Check Register for the Period of July 24 – August 27, 2021**

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 July 24 - August 27, 2021**

	Fund	Invoice	Payroll	Total
101	General	703,641	1,645,829	2,349,469
501	Water & Sewer	115,046	190,745	305,790
220	Parks & Recreation	188,730	511,257	699,987
311	Capital Improvements	665,952	0	665,952
202	Motor Fuel Tax	0	0	0
230	Cemetery	63,633	33,149	96,782
210	Senior Resources	13,358	28,264	41,623
510	Deerpath Golf Course	261,672	3,046	264,718
601	Fleet	139,088	61,760	200,848
416 - 433	Debt Funds	1,000	0	1,000
248	Housing Trust	0	0	0
201	Park & Public Land	0	0	0
	All other Funds	837,076	162,203	999,278
		<b>\$2,989,195</b>	<b>\$2,636,253</b>	<b>\$5,625,448</b>

The subtotal "All other Funds" includes Medical/Dental program expenses of \$552,224.

COUNCIL ACTION: Approval of the Check Register for the Period of July 24 – August 27, 2021.

**3. Approval of an Amendment to the City Council Schedule of Regular Meetings Previously Adopted by the City Council for the Year 2021**

STAFF CONTACT: *Margaret Boyer, City Clerk (847.810.3674)*

**PURPOSE AND ACTION REQUESTED:** Staff is seeking approval of an amendment to the City Council Schedule of Regular Meetings previously adopted by the City Council for the Year 2021.

**BACKGROUND/DISCUSSION:** The City Council previously approved the 2021 City Council meeting schedule at its Monday, May 4, 2020 Second Session City Council meeting. The amendment to the schedule is a change to the "type" of meeting, not the date. The proposed change is for the Monday, September 20, 2021, City Council Workshop meeting, changing the meeting type from a Workshop meeting to a Regular City Council meeting. A Regular City Council meeting allows for the City Council to conduct business, whereas a Workshop meeting allows for discussion only.

A copy of the amended schedule can be found beginning on **page 12**.

COUNCIL ACTION: Approval of an Amendment to the City Council Schedule of Regular Meetings Previously Adopted by the City Council for the Year 2021

COUNCIL ACTION: Approval of the three (3) omnibus items as presented.

**6. OLD BUSINESS**

**7. NEW BUSINESS**

**1. Consideration of an Appeal of a Decision of the Historic Preservation Commission to Deny a Certificate of Appropriateness for the Third Condominium Building in the McKinley Road Multi-Family Planned Development. (Action by Motion)**

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

**PURPOSE AND ACTION REQUESTED:** Consideration of an appeal filed by 361 Westminster LLC (Todd Altounian 50%, Peter Witmer 50%), the petitioner for the third and final phase of the McKinley Road Planned Development.

**BACKGROUND/DISCUSSION:**

Redevelopment of the area east of McKinley Road, between Deerpath and Westminster, adjacent to the Central Business District, has been a topic of discussion for many years. The transition of this area which is located between the railroad tracks and the Central Business District to the west, and single family residences, churches and the Library to the east and south, began in the late 1990's with the construction of the 333 E. Westminster condominium building. Historically, this area has been zoned for office and multi-family development as a buffer between the business district to the west and residential neighborhood to the east.

The first two phases of the McKinley Road Planned Development are complete. On April 5, 2021, the City Council approved the zoning entitlements for the third and final phase of the development and directed review of the design aspects to the Historic Preservation Commission.

The Historic Preservation Commission first reviewed the phase three building in January, 2020. The building presented at that time was a three story structure. The Commission continued consideration at the January meeting with direction to the petitioner for modifications. In February, 2020, the Commission reviewed modified plans and, at the conclusion of the meeting, voted to deny a Certificate of Appropriateness expressing particular concern about the height of the building. The petitioner filed an appeal of the February, 2020 decision of the Commission however, choose not to pursue the appeal stating the intention to consider further modifications to the plans in response to the concerns raised by the Commission and members of the public.

The Historic Preservation Commission considered revised plans for the phase three building on June 3, 2021, after the City Council granted approval of the zoning entitlements for the development. A two story building, with an expanded footprint at the north end of the building, was presented. At the conclusion of the June meeting, the Commission provided direction to the petitioner on aspects of the building that should be further studied and refined and on the standards that should be specifically addressed through the refinements. On July 12, 2021, the Commission reviewed revised plans and the petitioner spoke to the modifications made in direct response to the Commission's direction at the end of the June meeting. After deliberation and public testimony, the Commission voted 6 to 1 to deny a Certificate of Appropriateness for the building as presented.

As provided for in the City Code, on July 26, 2021, the petitioner filed an appeal of the Historic Preservation Commission's decision to deny a Certificate of Appropriateness for the third building in the McKinley Development. The appeal and exhibits are included in the Council packet beginning on **page 13**. The appeal was filed in accordance with the applicable requirements and is now before the Council for consideration. In considering an appeal, the Council is to consider the same standards as those considered by the Commission and is also charged with considering the petition in the context of the Council's broader perspective and responsibility, including fiscal considerations and the long term best interest of the overall community.

Guidelines for Appeals to City Council are included in the Council packet beginning on **page 61**. These guidelines are consistent with those used by the Council in the past when considering appeals.

**COUNCIL ACTION: Options for Council action are offered below in the form of possible motions.**

1. Deny the appeal and **uphold** the Historic Preservation Commission's decision to deny a Certificate of Appropriateness for the third condominium in the McKinley Road Multi-Family Planned Development.

**OR**

2. Grant the appeal and **overturn** the Historic Preservation Commission's decision.

**OR**

3. Remand the matter to the Historic Preservation Commission for further consideration, public testimony and action.

<b>8. ADDITIONAL ITEMS FOR DISCUSSION/ COMMENTS BY COUNCIL MEMBERS</b>
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<b>9. ADJOURNMENT</b>
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A copy of the Decision Making Parameters is included beginning on **page 6** of this packet.

An instruction guide on how to participate at a City Council meeting is included beginning on **page 7**.

Office of the City Manager

September 1, 2021

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.*

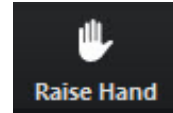
## CITY COUNCIL – REMOTE ACCESS MEETING GUIDE

### **Rules:**

- [An online guide to using Zoom is available here](#)
- Participants can join using the Zoom application, using the call in number located at the top of the agenda, or can stream the meeting live via YouTube.
- All Participants should use their real name (first and last) to identify themselves in the meeting.

### **Public Participation:**

- Please wait to be recognized by a staff member, and the Mayor prior to making your comment.
- If you would like to address your public comment to the City Council live, you can use one of two options
  - The Raise hand function via the zoom application.
    - If you are using the raise hand function, wait to be promoted to turn on your microphone to make a comment. There is a slight delay after you are promoted. You can then unmute yourself and address your comments to the City Council.
  - Calling the public comment line at 847-810-3643
    - If you are calling the public comment line, be sure to step away from your computer or TV, where you are watching the meeting, to avoid feedback.



	Device	Audio	Connection
<b>Ideal</b>	Zoom app on a desktop or Laptop	A headset with microphone	Wired connection via Ethernet
<b>Better</b>	Zoom app on a mobile phone or tablet	A headset (using built-in microphone) Using a phone to dial in	Connected Wirelessly via WiFi
<b>Okay</b>	Calling into conference line (without Zoom app)	Computer speakers (using built-in microphone) Speakerphone on phone	Connected via 4G / LTE (cellular data) Using a phone to dial in
<b>Tips</b>	Make sure your device is fully charged and you have access to Zoom on your device	When Participating, pick a quiet space to avoid any background noise	If you have to use WiFi, try to pick a workspace close to your router.

The City of Lake Forest  
CITY COUNCIL MEETING  
***Proceedings of the Monday, August 2, 2021***  
City Council Meeting - City Council Chambers

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

Present: Honorable Mayor Pandaleon, Alderman Morris, Alderman Karras, Alderman Rummel, Alderman Notz, Alderman Goshgarian, Alderman Buschmann and Alderman Weber.

Absent: Alderman Preschlack

**CALL TO ORDER AND ROLL CALL**

**PLEDGE OF ALLEGIANCE** was recited.

**REPORTS OF CITY OFFICERS**

**COMMENTS BY MAYOR**

Mayor Pandaleon reminded Lake Forest residents that Lake Forest Day is on Wednesday, August 4, and provided the times and dates for other events taking place over the next two days.

**A. Resolution of Sympathy for Former Alderman Gail Hodges**

Mayor Pandaleon read the resolution of sympathy for former Alderman Gail Hodges. Mayor Pandaleon remarked how Gail was passionate about her work, and her dedication to the City.

**COUNCIL ACTION: Approve the Resolution of Sympathy for Former Alderman Gail Hodges**

Alderman Rummel made a motion to approve the Resolution of Sympathy for Former Alderman Gail Hodges, seconded by Alderman Buschmann. The following voted "Aye": Alderman Morris, Karras, Rummel, Notz, Goshgarian, Buschmann and Weber. The following voted "Nay": None. 7-Ayes, 0 Nays, motion carried.

Members of the public and members of the City Council provided comments stating their sympathy.

**COMMENTS BY CITY MANAGER**

**A. Lake Forest Music Festival**

**- Rick Amos, Friends of Lake Forest Parks & Recreation**

Assistant City Manager, Mike Strong, introduced Rick Amos to showcase the Lake Forest Music Festival. Mr. Amos provided information on the attendance of the Festival and Fireworks events, and stated the success of the event, drawing new residents. He also provided a brief presentation and background regarding the planning of the Lake Forest Music Festival, scheduled to take place on August 21, from 3 pm – 10 pm in the parking lot behind City Hall. He provided the website [lparksandrec.com](http://lparksandrec.com) where tickets could be purchased before the event.

The City Council asked questions regarding the family friendly aspects of the event.



**B. #CityHallSelfie Day Challenge**

- **Dana Olson, Communications Manager**

Communications Manager, Dana Olson gave a brief presentation explaining what #CityHallSelfie Day is. She provided examples of what potential photos could entail, and where the photos can be taken.

The City Council thanked MS. Olson for her work to promote municipal government, and her work to engage residents and employees in this challenge.

Assistant City Manager, Mike Strong, introduced Superintendent of Public Works, Dan Martin, to provide an update regarding PFAs in water, in a response to a recent newspaper article that was released.

<b>OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEMS</b>
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**Members of the public can provide public comment by calling into the following number during the meeting: 847-810-3643**

<b>COMMITTEE REPORTS</b>
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**PARKS & RECREATION BOARD**

**1. Veterans Park Improvement Project**

- **Alderman Ara Goshgarian and Joe Mobile, Superintendent of Parks & Recreation**

Superintendent of Parks & Recreation, Joe Mobile gave a brief update regarding the Veterans Park Improvement Project. He began by providing the history of the bid process and the budget process. Mr. Mobile displayed the plan, and explained adjustments that were made to finish the project within the budget parameters. He further explained other amenities the park will have, and the project timeline with an estimated completion date of May 2022.

The City Council asked clarifying questions regarding the design of the park.

<b>ITEMS FOR OMNIBUS VOTE CONSIDERATION</b>
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- 1. Approval of July 19, 2021, City Council Meeting Minutes**
- 2. Approval of the Check Register for the Period of June 22 to July 23, 2021**
- 3. Approval of a Resolution of Appreciation for Firefighter/Paramedic Joseph A. Stanonik**
- 4. Approval of an Ordinance Providing for the issuance of not to exceed \$8,500,000 General Obligation Refunding Bonds, Series 2021, for the purpose of refunding certain outstanding general obligation bonds of the City, providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on said bonds, authorizing and directing the execution of an escrow agreement in connection with the issuance of said bonds, and authorizing the sale of said bonds to the winning bidder thereof (Final Reading)**
- 5. Approval of an additional Three-Year Professional Services Agreement with Invoice Cloud for credit card processing services and integration with the City's ERP system.**
- 6. Consideration of an Ordinance Amending the City of Lake Forest City Code Regarding the Class C-1 and C-3 Liquor Licenses (First reading and if appropriate final approval)**

7. **Approval of a recommendation from the Parks and Recreation Board to Award a Contract to Mag Construction for the Veterans Park Improvement Project, in the Amount of \$306,245 plus 10% Contingency in the Amount of \$30,625 for a total of \$336,870.**
8. **Award of Bid for a Two-Year HVAC Preventive Maintenance Contract to Hayes Mechanical in the Amount of \$106,906**
9. **Award the Thermoplastic Lane Marking contract to Superior Road Striping, Inc. in the amount of \$75,000**
10. **Consideration of an Ordinance Amending the Intergovernmental Agreement with the Solid Waste Agency of Lake County**
11. **Approve Three Year Contract with Wachs Water Services for Valve Exercising Service Contract included in the FY2022 –FY2024 Operating Capital Budget for the sum of \$52,245**
12. **Approve Three Year Contract with Consulting Engineering, Inc. for Leak Detection Service Contract included in the FY2022 –FY2024 Operating Capital Budget for the Sum of \$60,690**

**COUNCIL ACTION: Approval of the twelve (12) Omnibus items as presented**

Mayor Pandaleon asked members of the Council if they would like to remove any item or take it separately.

Seeing none, he asked for a motion. Alderman Goshgarian made a motion to approve the twelve (12) Omnibus items as presented, seconded by Alderman Rummel. The following voted "Aye": Alderman Morris, Karras, Rummel, Notz, Goshgarian, Buschmann and Weber. The following voted "Nay": None. 7-Ayes, 0 Nays, motion carried.

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

<b>ORDINANCES</b>
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<b>OLD BUSINESS</b>
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<b>NEW BUSINESS</b>
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<b>ADDITIONAL ITEMS FOR COUNCIL DISCUSSION/COMMENTS BY COUNCIL MEMBERS</b>
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Director of Public Works, Michael Thomas, provided a brief presentation regarding sustainability initiatives in conjunction with infrastructure updates. The projects included the Old Elm parking lot drainage system, the Sheridan Parking Lot electric vehicle charging station, and South Park Bioswale updates.

The City Council asked clarifying questions, and thanked the staff for including sustainable initiatives when updating infrastructure throughout the City.

<b>ADJOURNMENT</b>
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There being no further business Mayor Pandaleon asked for a motion. Alderman Morris made a motion to adjourn, seconded by Alderman Karras. Motion carried unanimously by voice vote at 7:43 pm.

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](http://www.cityoflakeforest.com). Click on I Want To, then click on View, then choose Archived Meetings Videos.*

## 2021 City Council and Finance Committee Dates

\*\* = This date represents a change from the traditional dates, due to holiday or other conflicts  
 Meeting dates highlighted in blue represent Workshops Meeting dates  
**BOLDED** represent Finance Committee meetings (FC)

<b>**January 4, 2021</b>	MUNICIPAL SERVICES BUILDING	6:30 Workshop Meeting
<b>**January 19, 2021</b>	<b>COUNCIL CHAMBERS</b>	<b>FC 6:30- CC to immediately follow</b>
February 1, 2021	COUNCIL CHAMBERS	6:30 City Council
<b>**February 16, 2021</b>	COUNCIL CHAMBERS	6:30 City Council
March 1, 2021	COUNCIL CHAMBERS	6:30 City Council
<b>**March 8, 2021</b>	<b>MUNICIPAL SERVICES BUILDING</b>	<b>5:00 Operating Budget WS</b>
March 15, 2021	COUNCIL CHAMBERS	6:30 City Council
April 5, 2021	COUNCIL CHAMBERS	6:30 City Council
<b>April 19, 2021</b>	<b>COUNCIL CHAMBERS</b>	<b>FC 6:30- CC to immediately follow</b>
May 3, 2021	COUNCIL CHAMBERS	6:30 City Council
May 17, 2021	COUNCIL CHAMBERS	6:30 City Council
June 7, 2021	COUNCIL CHAMBERS	6:30 City Council
June 21, 2021	COUNCIL CHAMBERS	6:30 City Council
<b>**July 6, 2021</b>	MUNICIPAL SERVICES BUILDING	6:30 Workshop Meeting
<b>July 19, 2021</b>	COUNCIL CHAMBERS	<b>FC 6:30- CC to immediately follow</b>
August 2, 2021	COUNCIL CHAMBERS	6:30 City Council
August 16, 2021	<b>NO MEETING</b>	<b>NO MEETING</b>
<b>**September 7, 2021</b>	COUNCIL CHAMBERS	6:30 City Council
<b>September 20, 2021</b>	<b>COUNCIL CHAMBERS</b>	<b>6:30 City Council</b>
October 4, 2021	COUNCIL CHAMBERS	6:30 City Council
<b>October 18, 2021</b>	<b>COUNCIL CHAMBERS</b>	<b>FC 6:30- CC to immediately follow</b>
November 1, 2021	COUNCIL CHAMBERS	6:30 City Council
<b>**November 8, 2021</b>	MUNICIPAL SERVICES BUILDING	<b>5:00 Capital Budget WS</b>
November 15, 2021	COUNCIL CHAMBERS	6:30 City Council
December 6, 2021	COUNCIL CHAMBERS	6:30 City Council
December 20, 2021	<b>NO MEETING</b>	<b>NO MEETING</b>

04/23/2020 DRAFT 05/04/2020 CG 09/07/2021 AMENDED



**APPEAL**  
**OF DENIAL OF REQUEST FOR A CERTIFICATE OF APPROPRIATENESS**  
**BY THE HISTORIC PRESERVATION COMMISSION**

**PROJECT ADDRESS** 715 MCKINLEY ROAD

**DATE OF DECISION** JULY 12, 2021

**PETITIONER'S STATEMENT -- DESCRIPTION OF PROJECT/REASON FOR APPEAL**

PLEASE SEE APPEAL LETTER ATTACHED AS EXHIBIT A.

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**PROPERTY OWNER INFORMATION**

361 Westminster LLC

*Name*

13310 W. Highway 176

*Street Address (may be different from project address)*

Lake Bluff, IL 60044

*City, State and Zip Code*


847-208-5240

*Phone Number*

[witmerandassoc@ameritech.net](mailto:witmerandassoc@ameritech.net)

[taltounian@altounian.com](mailto:taltounian@altounian.com)

*Email Address*



*Owner's Signature*

**PETITIONER INFORMATION**

361 Westminster LLC

*Name*

13310 W. Highway 176

*Street Address (may be different from project address)*

Lake Bluff, IL 60044

*City, State and Zip Code*

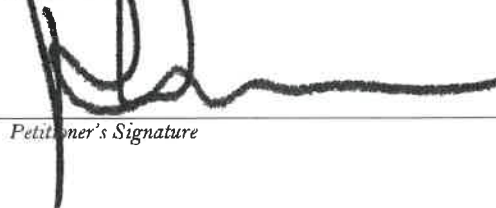
847-208-5240

*Phone Number*

[witmerandassoc@ameritech.net](mailto:witmerandassoc@ameritech.net)

[taltounian@altounian.com](mailto:taltounian@altounian.com)

*Email Address*



*Petitioner's Signature*

### 361 Westminster LLC Appeal

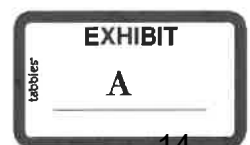
On July 12, 2021, the HPC denied the request of 361 Westminster LLC (the “petitioner”) for a Certificate of Appropriateness for the construction of a new condominium building at 715 McKinley Road. The basis for the HPC’s denial is stated in a Meeting Action Summary, attached to this appeal as Exhibit 1. The petitioner respectfully requests the City Council overturn the HPC’s decision because the HPC acted contrary to its authority when it voted 6-1 to deny petitioner’s application.

The historical background leading to the petitioner’s application to the HPC is set forth in a July 12, 2021 Staff Report and Recommendation to the HPC, a copy of which is attached as Exhibit 2.

The residential condominium building, for which the petitioner seeks a Certificate of Appropriateness to construct, is the third building in a three-phase development approved by the City Council in early 2017. The first two buildings, located on McKinley Avenue, have been completed and are fully occupied.

On April 5, 2021, the City Council passed an ordinance approving the development plan for the third building. A copy of the April 5, 2021 ordinance is attached as Exhibit 3. As part of the development plan, a single-family residence on a lot adjacent to the third building will be demolished. A portion of the single-family lot has been consolidated with the property on which the third building will be built.

Because the property is located in the Historic Preservation District, the petitioner was required to secure approval of “the design aspects of the development including architectural design and details, exterior materials, exterior lighting, decorative elements and landscaping” from the HPC. *See*, Exhibit 3, §3(c)ii.



The petitioner presented its application before the HPC at its June 3, 2021 meeting. Following the presentation, questions and comment by the commissioners, and public testimony, the HPC continued its decision to the following meeting. The petitioner was given specific directions by the HPC to revise its design in consideration of certain standards within the Historic Preservation Chapter of the City Code. *See*, Exhibit 2, pp. 2-3.

In the July 12, 2021 Staff Report and Recommendation, the City Staff found the petitioner's application meets every one of the HPC standards in light of the zoning approvals which were granted and in light of the character of the neighborhood in which the property sits. *See*, Exhibit 2, pp. 5-11.

On July 12, 2021, the petitioner appeared before the HPC for the fourth time in two years on this petition, having finally achieved its goal of satisfying every one of the previous comments and directions made by the HPC to conform the application to the applicable HPC standards. However, the testimony and deliberations of the members of the HPC at the July 12, 2021 meeting did not follow the direction of the guidance given to the petitioner at its previous meeting, nor the application's compliance with the HPC standards. Instead, the public testimony and commissioner comments delved into issues that are within the City Council's purview, and on which the City Council has already spoken via ordinance, *i.e.*, land use and zoning.

For example, many members of the public and commissioners expressed their displeasure that the proposed structure will contain rooftop patios. However, nothing in the HPC standards permits the HPC to regulate the permitted land use on a property, whether it be at ground level or on the roof. The HPC "shall consider" in determining whether to grant a certificate of appropriateness only the enumerated standards in the City Code and applicable ordinances. City Code, §155.08. One of these

standards is “roof shape,” which authorizes the HPC to require before granting a certificate of appropriateness that “[t]he roof shape of a structure shall be visually compatible with the structures to which it is visually related.” City Code, §155.08(A)(8). The HPC’s authority to regulate, comment, and require that a structure’s “roof *shape*” is visually compatible with other nearby, visually related structures does not extend to a blanket authority for the HPC to regulate what may or may not take place on that roof. Land use, *i.e.*, zoning, decisions, are made by the City’s legislative body, not by its advisory committees.

Members of the public argued that the HPC was too “focused on the little details” and instead should have a more “global” perspective with respect to how this use “fits into this neighborhood.” One commissioner noted the “pressure” being put on the HPC by the “community” to scrutinize this petition in light of “decisions made from other bodies,” an unmistakable reference to disagreement with the City Council’s approval of the land use and zoning for the condominium building. The HPC has no authority to overrule the City Council’s decision that this condominium building is an appropriate use of this property, in this neighborhood. The HPC’s purpose is, literally, to focus on the details, *i.e.*, architectural details, design materials, lighting, decorative elements, and landscaping.

At the conclusion of the public hearing, the HPC approved a motion denying the petitioner’s application by a vote of 6-1. The HPC incorporated into its findings the July 12, 2021 Staff Report, the materials in the petition, and the public testimony. *See*, Exhibit 1, p. 1. The HPC’s findings are those made in the Staff Report – that the application met every one of the HPC’s applicable standards. *See*, Exhibit 1, pp. 2-4. Therefore, based upon its own findings, the HPC had no appropriate basis on which to deny the petition. Given that the HPC found each of its applicable



standards has been satisfied by the petitioner, the HPC's denial must have been based on factors other than those within its purview.

The HPC is attempting to stand in the shoes of the City Council's authority with respect to zoning matters in order to frustrate a project that otherwise meets all of the applicable standards. The developer has incorporated each and every one of the HPC's previous modifications and directions into its most recent proposal. The HPC's findings explicitly state that the proposed condominium project meets all of the relevant seventeen criteria that the HPC is permitted to consider in making its decision. Therefore, the HPC's denial of the Certificate of Appropriateness was inappropriate. We ask that the City Council consider the application in light of the HPC standards and overturn the decision of the HPC, without modifications or conditions.



**Meeting Action Summary**

*Date of Action: July 12, 2021*

The City of Lake Forest Historic Preservation Commission voted to deny the following petition:

Petition Address: 715 McKinley Road  
Property Owners: City of Lake Forest  
Contract Purchaser: 361 Westminster LLC (Todd Altounian 50% and Peter Witmer 50%)  
Representative: Peter Witmer, architect  
  
Project Description: New Condominium Building – McKinley Multi-Family Development  
- Phase 3

Commissioner Sperry made a motion to deny the petition as submitted on McKinley Road, final phase three, the address of which is 715 McKinley based on findings stated on the pages of the staff report dated July 12th adding that the complete staff report, the materials in the packet and the public testimony are all to be incorporated in the findings. (The findings from the July 12, 2021 staff report are attached to this Meeting Action Summary as Exhibit A. The full minutes of the meeting, upon approval by the Commission, will be attached as Exhibit B.)

The motion was seconded by Commissioner Gibson second

The final vote of the Commission was 6 to 1 to approve the motion denying the petition with Commissioner LaMontagne voting in opposition to the motion.

Date of Issuance: July 20, 2021

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cc: Property Owner  
Representative  
Notebook



Exhibit A  
**Findings of Fact – McKinley Road Redevelopment Phase Three**

**Standard 1 – Height.**

*This standard is met.* A height variance was granted for the first and second buildings in the development, the three story buildings which are 40 feet at the parapet. The two story building fully complies with the allowable height of 35 feet. No variance is requested.

- The height of the roof deck is 24'-6".
- The height at the top of the parapet, above the roof deck, is 28 feet. The parapet wall fully screens the residential scale air conditioner units and the elevator override.
- The top of the stair enclosure or penthouse is 33'-6". The stair enclosures are located away in the center of the building, away from the edge of the building.

The two story building provides a transition from the taller condominium buildings to the west to the single family homes to the east.

The petitioner provided graphics that reflect the height of the proposed building in relation to the surrounding homes and buildings.

**Standard 2 – Proportion of Front Façade.**

*This standard is met.* The proportions of the front façades, particularly the north façade, reflect a residential scale. The width of the façade along Westminster is not dissimilar to some of the single family homes along the street and is now articulated with a front entry that includes a portico element. On the west elevation, the center bay is recessed to break up the building visually into two parts, allowing the north and south ends to read as different volumes.

**Standard 3 – Proportion of Openings.**

*This standard is met.* There is a regular pattern of openings French doors and double hung windows around the building. The openings follow a regular pattern and are aligned between levels on all elevations. Doors with sidelights and transoms are proposed on the north and west elevations, appropriate for the front entries. The entrances into the individual units are distinguished from the shared entrance into the elevator vestibule.

**Standard 4 – Rhythm of Solids to Voids.**

*This standard is met.* The elevations present evenly spaced and aligned openings between the first and second floors. Since the last meeting, 18 windows were eliminated from the east elevation, in private interior spaces, allowing the elevation to present more solid areas along the facade. The entry porches on the north and along the west elevation as well as the porch at the southeast corner present open elements that break up the appearance of mass of the building.

**Standard 5 – Spacing on the Street.**

*This standard is met.* The proposed building is set back from Westminster consistent with the spacing of the single family homes along the streetscape. At the closest point, the two story building is sited 61 feet from the north property line, the open porch element is 56' from the front property line. The secondary mass on the west side of the building, closest to the neighboring home, is 93' from the front property line.

**Standard 6 – Rhythm of Entrance Porches.**

*This standard is met.* The front entries on the north elevation and along the west elevation are detailed with elements such as round columns, entablatures, sidelights and transoms, helping to reinforce the residential appearance of the building and bringing a human scale to the design.

**Standard 7 – Relationship of Materials and Texture.**

*This standard is met.* The exterior is comprised of high quality and natural materials. Brick is proposed for the primary façade material with stone accents. The stone accents are less on this building in comparison to the first two buildings to soften the building and allow it to fit more quietly into the surrounding residential neighborhood. A stone cap is proposed for the parapet walls. Aluminum clad windows with interior and exterior muntins are proposed. Metal railings are proposed. Wood panels are proposed in some areas between openings on the first and second floors and at the entrances. For durability, the columns are proposed as a painted composite material.

**Standard 8 – Roof Shapes.**

*This standard is met.* The building features a flat roof enclosed by a parapet wall, identical to the first two buildings, at a lower level. The stair enclosure, also referred to as a penthouse, rises 5'-6" above the parapet wall and is sited away from the perimeter of the building.

**Standard 9 – Walls of Continuity.**

*This standard is met.* The massing, scale, and architectural detailing are generally consistent on all elevations of the building. The massing and design elements presented on the north elevation are somewhat different from the other elevations in order to relate more closely to the residential Westminster streetscape. The exterior materials and the architectural detailing are identical to the two earlier buildings, unifying the overall development.

**Standard 10 – Scale.**

*This standard is met.* The property is in a transitional area and the scale of the building responds to the buildings of various sizes to the north, east, south and west. The attempts to relate to the scale of both the condominium buildings on the west side and the residential area to the east through the use of projecting and recessed elements that break up the mass of the building and employing single story elements such as the entry porticos and screen porch.

**Standard 11 – Directional Expression of Front Elevation.**

*This standard is met.* Although the building is addressed on McKinley Road and is approached from the west, off of McKinley Road, it also have street frontage on Westminster. The building is uniquely sited in a manner that requires nods to both the larger buildings to the west and south, as well as the single family homes to the north and east.

A front entry was added to the north facing elevation on Westminster to clearly call out two elevations as the "front" of the building. The two front elevations are detailed with entryways and are consistent with horizontal expression of the two earlier buildings.

**Standard 12 – Preservation of Historic Material.**

This standard is not applicable to this request, a new building is proposed.

**Standard 13 – Protection of Natural Resources.**

*This standard is met.* Currently, only one tree remains on the site. The tree is proposed for removal. The preliminary landscape plan submitted by the petitioner reflects a number of proposed plantings on all sides of the proposed building. The developer has offered to remove undesirable species of

trees on the neighboring property to the east and plant new trees on that property if the owners desire replacement of the existing plantings.

**Standard 14 – Compatibility.**

*This standard is met.* The transitional nature of the site requires some balance between the higher density area to the west of the site and the single family residential area to the east and north. The design of the building identifies it as part of a larger, unified development as originally envisioned for this site while at the same time, giving a nod to existing development to the north and east and to the Historic District by reducing the height of the building, modifying some design elements and changing some of the materials. The proposed building incorporates residential and human scale elements such as the front entries.

**Standard 15 – Repair to deteriorated features.**

This standard is not applicable to this request, a new building is proposed.

**Standard 16 – Surface cleaning.**

This standard is not applicable to this request, a new building is proposed.

**Standard 17 – Integrity of historic property.**

This standard is not applicable to this request, a new building is proposed.



## STAFF REPORT AND RECOMMENDATION

TO: Chairman Grieve and members of the Historic Preservation Commission  
DATE: July 12, 2021  
FROM: Catherine Czerniak, Director of Community Development  
Jen Baehr, Assistant Planner  
SUBJECT: **McKinley Road Redevelopment Phase Three** – Demolition and New Condominium Building

### PROPERTY OWNERS

City of Lake Forest  
220 Deerpath  
Lake Forest, IL 60045

### PROPERTY LOCATION

South of E. Westminster, east of  
McKinley Road

### HISTORIC DISTRICTS

East Lake Forest Local and  
National Historic Districts

### CONTRACT PURCHASER

361 Westminster LLC (Todd Altounian 50%, and Peter Witmer 50%)  
1000 N. Western Avenue  
Lake Forest, IL 60645

### PROJECT REPRESENTATIVE

Peter Witmer, architect

### ACTIVITY TO DATE ON THIS PETITION

#### January and February 2020

The Commission considered this petition in January and February, 2020. A three story condominium building was presented at those meetings. At the January meeting, the Commission voted to continue the petition and directed the developers to provide further information and consider modifications in response to comments offered by the Commission. In summary, at the January, 2020 meeting, the Commission offered the following comments and direction on various aspects of the design of the building.

- Conduct further study of the overall massing and height of the building.
- Simplify and refine the various architectural elements to align with the selected architectural style.
- Refine the design to reflect the selected architectural style consistently on all sides of the building.
- Conduct further study of the windows and dormers on the west elevation.
- Conduct further study of the mansard roof detailing to soften the appearance of the building.
- Conduct further study of the architectural detailing in an effort to relate the building more closely to the two earlier buildings.
- Provide more specific information on the height of the building and distances from the surrounding homes.

As a follow up to the January, 2020 meeting, the petitioners presented revised plans to the Commission in February, 2020. The plans reflected the following changes in response to the Commission's discussion and direction at the meeting the month before.

- Overall, the west elevation was simplified and refined to more closely relate to the previously approved buildings in the first two phases of the development.
- The center mass and roof form of the building were modified.
- The window openings and proportions were refined.
- The stacked bay windows were removed.
- The arched dormers were removed and replaced with shed dormers.
- The east elevation was further articulated to relate more closely to the other elevations of the building and to provide relief and human scale.

At the February meeting, after a presentation, public comment and Commission deliberation, the Commission voted to deny the petition citing concerns about the height of the building, the overall size of the building, and inconsistencies in the design with the chosen architectural style. The Chairman observed that some of the concerns raised by the Commission appeared to be outside of the purview of the Commission. As a follow up to the denial of the petition by the Commission, the petitioners filed an appeal of the decision with the City Council but decided that rather than pursue an appeal, they would re-think the project.

After the February, 2020 meeting, the petitioners explored whether the project could be feasible with a two story building. Importantly, earlier approvals of the overall multi-building development require that underground parking be provided necessitating a minimum number of units to make the project feasible. Ultimately, the petitioners, for several reasons, including the opportunity to widen a portion of the building to accommodate the same number of units in a two story form as in the previously proposed three story building, and the opportunity to address longstanding drainage issues, decided to pursue the purchase of the neighboring property at 373 E. Westminster. After acquiring the property, the site plan was revised to reflect the modified footprint of the now proposed two story building and the design of the building reverted back to the original design and is now consistent with the previously approved design of the two buildings in the earlier phases of the development. The two existing buildings provide a real life mock-up of the architectural details and exterior materials.

#### June 3, 2021

At the June 2021 meeting, the petitioners presented plans for a two story condominium building to the Commission. In April, 2021, the City Council approved the consolidation of the western 38 feet of the 373 E. Westminster property into the development site. After a presentation from the petitioner, questions from the Commission, public testimony and Commission deliberations, the Commission voted 7 to 0 to continue consideration of the petition. At the direction of the Chairman, the Commission agreed that a continuance was only appropriate if refinement, rather than a complete redesign, could potentially address the questions, comments and concerns raised by the Commission.

The motion to continue the petition at the June, 2021 meeting included the following direction to the petitioner and staff.

- Conduct further study and refine the plans with particular attention and response to the following Standards.
  - Standard 1: Height
  - Standard 2: Proportion of Front Façade
  - Standard 5: Spacing on the Street
  - Standard 8: Roof Shapes
  - Standard 9: Walls of Continuity.
  - Standard 10: Scale.
  - Standard 11: Directional Expression of Front Elevation
  - Standard 14: Compatibility
- Refine the scale and design of the north elevation to appear more as a front façade.
- Submit a request for re-approval of the demolition of the 373 E. Westminster residence as part of the petition.
- Provide a conceptual plan for a new residence on the remaining portion of the 373 E. Westminster property.

In addition to the conditions specifically addressed in the Commission's motion, staff also identified the following additional questions and comments which were offered as part of the Commission's deliberations.

- Provide detail on the location and size of the active use areas on the roof.
- Provide detail on the height of the roof, the parapet wall, elevator over run and the stair enclosure, also referred to as a penthouse. (To clarify, there is not living space in the penthouse, only access to the stairway.)
- Consult the City Attorney on the process for re-approving the demolition of the residence on the 373 E. Westminster property and the timing for consideration of the second replacement structure, a new residence on the remaining portion of the 373 E. Westminster property. (A memorandum from the City Attorney is included in the Commission's packet. Although attorney communications are often confidential, because questions about the demolition and timing for review of a new residence were raised by members of the public, the opinion is included as part of the packet.)

## **PRESENT REQUEST**

### **Demolition – Residence at 373 Westminster**

As directed by the Commission, a request for re-approval of the demolition of the residence at 373 E. Westminster is now included in this petition.

In June 2016, the Commission voted 6 to 0 to grant a Certificate of Appropriateness to the then owners of the 373 Westminster property approving the demolition of the existing residence based on a determination that the criteria for demolition were satisfied. The minutes from that meeting reflect that there were no questions or discussion on the part of the Commission about the demolition, only comments indicating support for the demolition. There was no public comment on the demolition request. The Commission approved the demolition request by a vote of 6 to 0. At that time, the Commission also approved a replacement residence. The prior owners never proceeded with the approved project. The prior approvals have lapsed and the property is now under new ownership.



The new owners are requesting re-approval of the demolition of the residence in conjunction with approval of the third and final condominium building of the McKinley Multi-Family Residential Development. As approved by the Council, the development site for the third phase of the McKinley development incorporates the western 38 feet of the 373 E. Westminster property. The residence is proposed to be replaced with two structures, in the short term, the currently proposed condominium building and in the future, a new single family residence. The new residence is not currently proposed or presented for Commission action.

Included in the Commission's packet, from the previous publicly available packet, is an Historic Resource Evaluation completed by Benjamin Historic Certifications, LLC and a structural review comment letter prepared by Harry E. Marshall, Ltd., structural engineers. The facts surrounding the residence itself have not changed since the reports were prepared. What has changed is the fact that a portion of the site has been approved for incorporation into the McKinley Road development site.

The following findings are presented in support of the re-issuance of a Certificate of Appropriateness approving the demolition of the residence at 373 E. Westminster.

**Demolition Criteria 1 -- Whether the property, structure or object is of such historic, cultural, architectural or archaeological significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and the state.**

The residence, although historic, is not architecturally significant and is not a Contributing structure to the Historic District. Its demolition would not be detrimental to the character of the Historic District. As noted by the petitioner's representative during the June 2016 meeting, "The existing residence was constructed in 1963 and lacks the architectural quality of neighboring homes. The house has structural issues due to water damage and seepage and the home has no architectural pedigree that would support preservation. The home is typical of spec houses from the 1960s with a front loaded garage and misaligned windows."

**Demolition Criteria 2 -- Whether the property, structure or object contributes to the distinctive historic, cultural, architectural or archeological character of the District as a whole and should be preserved for the benefit of the people of the city and the state.**

The residence is identified as a non-contributing structure to the Historic District and is not a unique or well-designed example of the Colonial Revival style.

**Demolition Criteria 3 -- Whether demolition of the property, structure or object would be contrary to the purpose and intent of this Chapter and to the objectives of the historic preservation for the applicable District.**

Demolition of the residence will not be contrary to the purpose and intent of the Preservation Chapter of the Lake Forest Code based on the findings cited above.

**Demolition Criteria 4 -- Whether the property, structure or object is of such old, unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense.**

The structure is not of such old, unusual, or uncommon design, texture, or material that it could not

be reproduced without great difficulty or expense. The residence was constructed in 1962 and is not unique architecturally.

**Demolition Criteria 5 -- Except in cases where the owner has no plans for a period of up to five years to replace an existing Landmark or property, structure or object in a District, no Certificate of Appropriateness shall be issued until plans for a replacement structure or object have been reviewed and approved by the Commission.**

Concurrent with this request for approval of demolition plans for a new condominium building which will be partially on this property are presented for the Commission's consideration.

No additional replacement structures are currently presented for the Commission's approval of planned in the near term.

As noted above, at the request of the Commission, City staff consulted the City Attorney on the question of whether the Commission can properly act on the petition without approving all future potential structures that might be constructed on the 373 E. Westminster property; in addition to the condominium building, a single family house and garage. The City Attorney concluded that the Commission has the ability to act on the petition as now presented, comprised of requests for Certificates of Appropriateness for the demolition of the existing single family residence and the condominium building as the replacement structure. However, any new residence proposed on the property in the future will require a Certificate of Appropriateness from the Commission prior to the issuance of any building permits.

#### *Condominium Building – Design Review*

This is a request for a Certificate of Appropriateness for a new, two story condominium building and the associated conceptual landscape and hardscape plans. This property is located in one of the City's Local Historic Districts and therefore, requires design review by the Historic Preservation Commission. Adjacent properties to the north, east and south are also in the Historic District. The adjacent parcels to the west, including the two earlier buildings in this development, are *not* within the Historic District and as a result, the design aspects of those buildings were reviewed by the Building Review Board and based on a positive recommendation from that Board, approved by the City Council.

The building in this petition constitutes the third and final phase of the McKinley Road Redevelopment. The project achieves a long time City Council goal by providing additional living options near the Central Business District, within walking distance to the train station, the Library, restaurants and retail stores. The response from the residents living in the first two buildings has been very positive, the development has created a unique neighborhood which offers a living environment not found elsewhere in Lake Forest.

In response to the Commission's questions, comments, discussion and direction at the June 2021 meeting, and specifically in response to the conditions included in the motion, revisions were made to the plans. Elevations from the June meeting are included in the Commission's packet as well as annotated elevations illustrating the changes that were made and clean copies of the elevations as now presented to the Commission for action.

In particular, the revisions establish the north elevation as a second front to the building by adding an entrance as specifically suggested by the Commission. Overall, the details and materials of the building were modified to step the building down not only in height but also in detail and prominence to allow it to fit more quietly into the Historic District and to transition more unobtrusively into the residential neighborhood. The third building as now presented as “a cousin” of the two earlier buildings, related, but distinguished recognizing that this building does not have frontage on McKinley Road and recognizing its adjacency to single family residential homes.

- North Elevation Revisions
  - The screen porch was eliminated.
  - A front entry was added detailed with wood surrounds, a metal railing and a stone step in direct response to direction to identify the north elevation as a front of the building.
  - Some of the limestone detail was removed to soften the character of the building.
  - The landscaping was adjusted to highlight the new entry.
  - A crushed stone walkway to the front entry from the west was added.
  - Brick detailing was added.
- West Elevation Revisions
  - The screen porch at the south end was eliminated and replaced with a smaller entry porch.
  - French doors were eliminated and replaced with double hung windows with the exception of doors needed for stair egress.
  - The center bay was recessed to break the building visually into two parts.
  - A front entry element was added at the recessed center bay.
  - Windows in the roof top stair enclosures were eliminated.
  - Trees were added on either side of the new entry element.
- East Elevation Revisions
  - A total of 18 windows were eliminated along the elevation to minimize light impacts.
  - Windows in the roof top stair enclosures were eliminated.
  - The stone cornice was eliminated to soften the elevation.
- South Elevation Revisions
  - As noted above, the screen porch on the west was replaced with a porch.
- Overall – Material Changes
  - The brick detailing at the window spandrels was refined.
  - The stone heads above the doors and windows were eliminated and replaced with brick soldier courses.
  - The stone cornice on the east elevation was replaced with a brick cornice.

### *Site Plan*

The proposed condominium building is located at the east end of the new road that enters the development from McKinley Road and provides a visual terminus to the road. The fronts of the building face north and west. The building is set back from Westminster to minimize the appearance of mass along the streetscape as the area transitions into single family residential

properties. The setback provides ample space for a landscaped front yard consistent with the pattern of development along Westminster as it continues to the east. Access to underground parking is from the west, from the existing alley, setback from Westminster and screen with vegetation. A green space accessible to the public is located to the south of the building, with a sidewalk connection to the Library.

### ***Findings on 17 Standards***

A staff review of the applicable standards in the City Code is provided below. Findings in response to the standards are offered for the Commission's consideration.

#### **Standard 1 – Height.**

*This standard is met.* A height variance was granted for the first and second buildings in the development, the three story buildings which are 40 feet at the parapet. The two story building fully complies with the allowable height of 35 feet. No variance is requested.

- The height of the roof deck is 24'-6".
- The height at the top of the parapet, above the roof deck, is 28 feet. The parapet wall fully screens the residential scale air conditioner units and the elevator override.
- The top of the stair enclosure or penthouse is 33'-6". The stair enclosures are located away in the center of the building, away from the edge of the building.

The two story building provides a transition from the taller condominium buildings to the west to the single family homes to the east.

The petitioner provided graphics that reflect the height of the proposed building in relation to the surrounding homes and buildings.

#### **Standard 2 – Proportion of Front Façade.**

*This standard is met.* The proportions of the front façades, particularly the north façade, reflect a residential scale. The width of the façade along Westminster is not dissimilar to some of the single family homes along the street and is now articulated with a front entry that includes a portico element. On the west elevation, the center bay is recessed to break up the building visually into two parts, allowing the north and south ends to read as different volumes.

#### **Standard 3 – Proportion of Openings.**

*This standard is met.* There is a regular pattern of openings French doors and double hung windows around the building. The openings follow a regular pattern and are aligned between levels on all elevations. Doors with sidelights and transoms are proposed on the north and west elevations, appropriate for the front entries. The entrances into the individual units are distinguished from the shared entrance into the elevator vestibule.

#### **Standard 4 – Rhythm of Solids to Voids.**

*This standard is met.* The elevations present evenly spaced and aligned openings between the first and second floors. Since the last meeting, 18 windows were eliminated from the east elevation, in private interior spaces, allowing the elevation to present more solid areas along the facade. The entry porches on the north and along the west elevation as well as the porch at the southeast corner present open elements that break up the appearance of mass of the building.

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*This standard is met.* The proposed building is set back from Westminster consistent with the spacing of the single family homes along the streetscape. At the closest point, the two story building is sited 61 feet from the north property line, the open porch element is 56' from the front property line. The secondary mass on the west side of the building, closest to the neighboring home, is 93' from the front property line.

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### **Standard 7 – Relationship of Materials and Texture.**

*This standard is met.* The exterior is comprised of high quality and natural materials. Brick is proposed for the primary façade material with stone accents. The stone accents are lessened on this building in comparison to the first two buildings to soften the building and allow it to fit more quietly into the surrounding residential neighborhood. A stone cap is proposed for the parapet walls. Aluminum clad windows with interior and exterior muntins are proposed. Metal railings are proposed. Wood panels are proposed in some areas between openings on the first and second floors and at the entrances. For durability, the columns are proposed as a painted composite material.

### **Standard 8 – Roof Shapes.**

*This standard is met.* The building features a flat roof enclosed by a parapet wall, identical to the first two buildings, at a lower level. The stair enclosure, also referred to as a penthouse, rises 5'-6" above the parapet wall and is sited away from the perimeter of the building.

### **Standard 9 – Walls of Continuity.**

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### **Standard 11 – Directional Expression of Front Elevation.**

*This standard is met.* Although the building is addressed on McKinley Road and is approached from the west, off of McKinley Road, it also has street frontage on Westminster. The building is uniquely sited in a manner that requires nods to both the larger buildings to the west and south, as well as the single family homes to the north and east.

A front entry was added to the north facing elevation on Westminster to clearly call out two elevations as the "front" of the building. The two front elevations are detailed with entryways and

are consistent with horizontal expression of the two earlier buildings.

**Standard 12 – Preservation of Historic Material.**

This standard is not applicable to this request, a new building is proposed.

**Standard 13 – Protection of Natural Resources.**

*This standard is met.* Currently, only one tree remains on the site. The tree is proposed for removal. The preliminary landscape plan submitted by the petitioner reflects a number of proposed plantings on all sides of the proposed building. The developer has offered to remove undesirable species of trees on the neighboring property to the east and plant new trees on that property if the owners desire replacement of the existing plantings.

**Standard 14 – Compatibility.**

*This standard is met.* The transitional nature of the site requires some balance between the higher density area to the west of the site and the single family residential area to the east and north. The design of the building identifies it as part of a larger, unified development as originally envisioned for this site while at the same time, giving a nod to existing development to the north and east and to the Historic District by reducing the height of the building, modifying some design elements and changing some of the materials. The proposed building incorporates residential and human scale elements such as the front entries.

**Standard 15 – Repair to deteriorated features.**

This standard is not applicable to this request, a new building is proposed.

**Standard 16 – Surface cleaning.**

This standard is not applicable to this request, a new building is proposed.

**Standard 17 – Integrity of historic property.**

This standard is not applicable to this request, a new building is proposed.

**PUBLIC COMMENT**

Public notice of this petition was provided in accordance with the City requirements and practices and to an expanded interested parties list prior to each meeting of the Commission at which this petition was considered. The agenda for this meeting was posted at various public locations and on the City's website. The public testimony received to date in response to the notice provided is included in the Commission's packet.

**RECOMMENDATION**

Based on the findings detailed above:

- ❖ Grant a Certificate of Appropriateness approving the demolition of the residence and attached garage at 373 E. Westminster subject to the following condition.
  1. Any additional replacement structures, in addition to the condominium building proposed concurrent with the demolition request, shall be presented to the Historic Preservation Commission for review. A Certificate of Appropriateness must be granted prior to the issuance of permits authorizing construction of a new single family residence.

❖ Grant a Certificate of Appropriateness for a new condominium building and the preliminary landscape and hardscape plan subject to the following conditions of approval.

1. Recognizing that drainage is not under the purview of the Commission, the Commission goes on record as emphasizing the importance of careful consideration of grading and drainage plans in the area by the City Engineer as it occurs as part of the standard plan review process. The review should take into account existing drainage problems in the immediate area of this property and take advantage of the opportunity to improve upon the existing situation.
2. Plans submitted for permit must reflect the project as presented to the Commission. If any modifications are proposed in response to Commission direction or as a result of design development, plans clearly detailing the areas of change must be submitted at the time of submission for permit, along with the plans originally presented to the Commission, and will be subject to review by staff, in consultation with the Chairman as appropriate, to verify that the plans are consistent with the intent of the Commission and the approvals granted.
3. Details of all exterior lighting shall be included with the plans submitted for permit. All fixtures shall direct light downward and the source of the light shall be fully shielded from view. All exterior lights shall be set on timers to turn off no later than 11 p.m.

No exterior building or landscape lights are permitted on the east side of the building except safety and security lights that may be required by the Code.

4. All mechanical equipment, on the roof and on the ground, shall be fully screened from view from off of the site.
5. Prior to the issuance of a building permit, a materials staging and construction vehicle parking plan must be submitted to the City for review and will be subject to City approval. All reasonable efforts shall be made to minimize and manage impacts on the adjacent homes, the surrounding neighborhood, and nearby streets during construction.

On street parking of construction vehicles and contractors is not permitted. It may be necessary for contractors to park off site, in public permit parking lots, to avoid congestion on and near the site. The 7 a.m. start time shall be strictly adhered to, no staging of construction vehicles or activity on public streets or on the construction site is permitted prior to 7 a.m.

6. Prior to the issuance of a building permit, a final landscape plan, drawn in accordance with the approved grading and drainage plan shall be submitted and will be subject to final review and approval by the City Arborist. The plan shall include:
  - a. Sufficient foundation plantings to establish a residential character, pedestrian friendly building entrances and to create privacy for first floor residents.
  - b. Plantings shall be consistent in character, density and quality with the plantings for the phase one and two buildings.

The petitioner is encouraged to talk with the neighboring property owners to the east, if they are willing, to discuss the potential to enhance trees and vegetation on their property, in the area adjacent to the development site.

7. Prior to the issuance of a Certificate of Occupancy for the building, all landscaping shall be planted consistent with the approved plan or, if planting is not possible due to the time of year, a cash bond in the amount of 110% of the cost of the materials and labor must be posted to assure planting consistent with the approved plan in the next planting season.
8. In addition to number six above, prior to the issuance of a Certificate of Occupancy Permit, a landscape maintenance bond shall be submitted to the City in the amount of 10% of the total cost of the landscaping, materials and labor, to assure replacement of trees or vegetation that dies, becomes diseased or fails to thrive during the initial five year maintenance period. The City Arborist shall inspect the plantings each spring and fall for a period of five years after the issuance of a Certificate of Occupancy Permit. (The bond shall be replenished if it is drawn down prior to the end of the five year period.)
9. The petitioner is encouraged to collaborate with the City and neighboring property owners in an effort to underground the remaining utilities near the site.





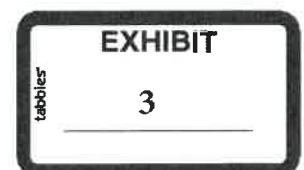
THE CITY OF LAKE FOREST

ORDINANCE NO. 2021-016

**AN ORDINANCE GRANTING APPROVAL OF A PLANNED MULTI-FAMILY  
DEVELOPEMENT, PHASE THREE OF THE MCKINLEY ROAD REDEVELOPMENT, THROUGH  
A SPECIAL USE PERMIT AND APPROVAL OF THE ASSOCIATED PLAT OF CONSOLIDATION  
FOR THE DEVELOPMENT SITE LOCATED EAST OF MCKINLEY ROAD AND SOUTH OF  
WESTMINSTER**

Adopted by the Mayor and City Council of  
The City of Lake Forest  
this 5th day of APRIL 2021

Published in pamphlet form by direction and  
Authority of the City Council of The City of Lake Forest,  
Lake County, Illinois  
this 5th day of APRIL 2021



THE CITY OF LAKE FOREST

ORDINANCE NO. 2021 - 016

**AN ORDINANCE GRANTING APPROVAL OF A PLANNED MULTI-FAMILY DEVELOPMENT, PHASE THREE OF THE MCKINLEY ROAD REDEVELOPMENT, THROUGH A SPECIAL USE PERMIT AND APPROVAL OF THE ASSOCIATED PLAT OF CONSOLIDATION FOR THE DEVELOPMENT SITE LOCATED EAST OF MCKINLEY ROAD AND SOUTH OF WESTMINSTER**

**MCKINLEY ROAD PLANNED DEVELOPMENT – PHASE 3 CONDOMINIUM**

**WHEREAS**, The City of Lake Forest ("**City**") is a special charter, home rule municipality existing in accordance with the Illinois Constitution of 1970; and

**WHEREAS**, pursuant to its home rule powers, Article 5, Section 4 of the City Charter, and various provisions of the Illinois Municipal Code, the City is empowered to formulate rules and regulations to protect the health, safety, and welfare of the City and its residents, including regulations regarding land uses and zoning; and

**WHEREAS**, pursuant to Section 159.045 (Special Uses), Section 159.047 (Planned Developments), Section 159.048 (Historic Residential and Open Space Preservation), and Chapter 156.029 Final Plat Approval of the Lake Forest Zoning Code ("**Zoning Code**"), the City has established provisions for Planned Multi-Family Developments to "provide a safe and desirable living environment characterized by a unified building and site development plan, to preserve natural features of the site, to provide adequate open space for passive recreation and other outdoor living purposes and to offer diverse housing within walking distance of restaurants, stores and services." Said provisions authorize parcels in the General Residence and Office Districts meeting the established criteria to be developed

as a Planned Multi-Family Development, a type of planned development that allows for an architecturally unified development consisting of multiple buildings, shared roadways and common areas that may be constructed over time, in phases, subject to a determination by the City that specific criteria are satisfied; and

**WHEREAS**, the property proposed for development as the third phase of the McKinley Development is zoned GR-3 and is within the Historic Residential and Open Space Preservation District; and

**WHEREAS**, 361 Westminster LLC, ("**Developer**") is the contract purchaser of a portion of the property legally described in **Exhibit A-1** and commonly known as 361 E. Westminster and the owner of the adjacent 38 foot strip of land commonly known as the western portion of 373 E. Westminster legally described in **Exhibit A-2**; both Exhibits are attached hereto and by this reference made a part of this Ordinance and collectively ("**the Property**"); and

**WHEREAS**, the Developer, with the consent of the Owner, has presented a plan for the third phase of a planned multi-family development to the City as provided for in the regulations pertaining to Planned Multi-Family Developments which plan includes a site plan, landscape plan and plat of consolidation all as more fully described in Section 2 of this Ordinance (the "**Development Plan**"); and

**WHEREAS**, the Development Plan in various iterations each responding to public comment and direction from the Commission, was considered by the Plan Commission at a public hearing held over the course of six meetings the first of which was held in June, 2019; and

**WHEREAS**, on December 11, 2019, the Plan Commission voted 6 to 0 in support of a motion that found the plan as then presented, a three story building, to be in general compliance with the approved Master Plan for the area; and

**WHEREAS**, the plan as supported by the Plan Commission in December, 2019 was forwarded to the Historic Preservation Commission for review of the design aspects and after deliberation, the height of the building was determined to not provide an appropriate transition between the larger, more intense uses to the west, and the single family homes and historic district to the north and east; and

**WHEREAS**, in response, the Developer further reconfigured the building to a two story mass with a wider footprint at the north end; and

**WHEREAS**, on March 13, 2021, the Plan Commission concluded its review of the reconfigured Development Plan as now presented, closed the public hearing and voted 4 to 2 to recommend denial of the Development Plan to the City Council primarily based on concerns about the potential for a broad negative impact on the Local Historic District resulting from the zone change associated with the two story, wider building as well as concern about the appropriateness of the transition offered by the Development Plan from the existing developments to the east and west; and

**WHEREAS**, the Mayor and City Council of The City of Lake Forest having fully considered the Plan Commission's review and recommendation regarding the third phase of the Planned Multi-Family Development and the Development Plan; and having also considered the history of planning for this area; the decisions and

actions of previous Boards, Commissions and Councils; and previously approved plans, goals and applicable Code provisions; has determined that the Development Plan as now presented satisfies the criteria for a Planned Multi-Family Development and a Special Use Permit as detailed in the findings attached hereto and made a part hereof as **Exhibit B** and is in the best interest of the City and that its residents will be served by approving this Ordinance granting approval of the Planned Multi-Family Development, Special Use Permit and Plat of Consolidation, subject to the terms and conditions hereinafter set forth; and

**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 1. Recitals.** The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth and represent the findings of the City Council.

**SECTION 2. Approval of Development Plan and Plat of Consolidation.** The Development Plan for the Property, consisting of the following documents:

- (a) That certain revised Site Plan prepared by Witmer & Associates consisting of one (1) sheet entitled "McKinley Road Development Phase 3 Site Plan" dated March 9, 2021, a copy of which is attached as **Exhibit C** to this Ordinance (the "**Site Plan**"); and
- (b) That certain Plat of Consolidation prepared by Bleck Engineering, consisting of one (1) sheet entitled "Plat of Consolidation" dated December 16, 2020, a copy of which is attached as **Exhibit D** to this Ordinance (the "**Plat of Consolidation**"); and
- (c) That certain Preliminary Landscape Plan prepared by Mariani Landscape, consisting of one (1) sheet entitled "Phase 3 Landscape Plan East Building" dated January 27, 2021, a copy of which is attached as **Exhibit E** to this Ordinance (the "**Preliminary Landscape Plan**"); and

is hereby approved pursuant to Sections 159.045, 159.047 and 159.048 of the Zoning Code, and the Plat of Consolidation is hereby approved pursuant to Section 156.029 of the City's Subdivision Code; provided, however, that such approvals shall be subject to the terms and conditions in Section 3 of this Ordinance and such modifications thereto which are determined by the City to be in substantially the same form as attached.

**SECTION 3. Conditions on Planned Multi-Family Planned Development, Special Use Permit and Plat Approvals.**

The approvals granted pursuant to Section 2 of this Ordinance shall be subject to the following conditions, restrictions, and limitations, and Developer's failure to abide by the provisions of this Section shall be grounds for the City, without public notice or hearing, to adopt an ordinance repealing this Ordinance and the approvals granted pursuant to Sections 159.045, 159.047 and 159.048 of the Zoning Code and Section 156.029 of the Subdivision Code:

- (a) No Authorization for Development Activity. The granting of these approvals shall not be deemed an authorization for the Developer to commence any development work on the Property, and no development work shall be permitted or otherwise authorized unless and until all necessary permits, authorizations, and approvals customarily required have been secured and all conditions of this Ordinance are met to the satisfaction of the City in its sole determination.
- (b) Recordation of the Plat. Prior to the recording of the Plat of Consolidation, the following conditions shall be met to the satisfaction of the City Engineer and Director of Community Development:
  - i. A Final Plat (the "**Record Final Plat**") shall be submitted that shall be subject to the review and approval of the City Engineer and Director of Community Development prior to recording with Lake County for determination of compliance with all applicable requirements. The Record Final Plat shall include without limitation notes and modifications

(all of which shall be in a form acceptable to the City) that address the following:

- The incorporation and organization of a Homeowners' Association, individually and as part of the Master Association for the overall Planned Multi-Family Development which association will be responsible for all ongoing maintenance of all private infrastructure including, but not limited to, all aspects of the storm sewer system including swales, the common and publicly accessible green space, sidewalks throughout the development, the east/west and north/south private roads and landscaping and all amenities. The plat (either by note or incorporation of a declaration of covenants for the Homeowners' Association) shall also grant and reserve to the City the right to enter on the property and conduct maintenance in the event that it determines that proper maintenance is not being performed, but only after providing the Association with an opportunity to take corrective action. The cost for any work performed by the City or performed under the City's direction, including overhead costs, will be assessed to the Association and shall be a lien on the entire Property, which lien shall have priority over any lien of the Association.
  - A note stating that the landscaping must be maintained in a form substantially consistent with the approved Final Landscape Plan in perpetuity, recognizing that if a particular species fails to thrive, with City approval, alternate species may be substituted if replanting is necessary.
  - Public access easements over the private roads, sidewalks and green space at the south end of the Phase 3 development site shall be noted on the plat.
- ii. All required financial guarantees (including guarantees for completion of the infrastructure, plantings, all other fees including, but not limited to City impact fees, connection fees and legal fees, shall be paid to the City with the exception of impact fees in support of Districts 67 and 115, which shall be paid directly to the School Districts prior to the issuance of building permits for each lot.
- (c) Commencement of Construction. *Prior to commencement of any construction activity on the Property*, the following conditions shall be met to the satisfaction of the City Engineer and Director of Community Development:
- i. Developer shall secure all necessary approvals from outside agencies, if applicable, and proof of such approvals reasonably satisfactory to the City Engineer shall be delivered to the City.

- ii. Developer shall secure approvals of the design aspects of the development including architectural design and details, exterior materials, exterior lighting, decorative elements and landscaping.
  - iii. Final Engineering Plans in conformance with the Site Plan and Landscape Plan as approved by this Ordinance subject to modification based upon final approvals by the City's Historic Preservation Commission, the conditions in this Ordinance, as well as all required final engineering related documents. Such modifications shall be submitted and will be subject to a determination by the City that all applicable requirements are satisfied.
  - iv. A staging, materials storage and construction vehicle parking plan in form and substance that is reasonably acceptable to the City Engineer and Director of Community Development shall be submitted for the purpose of minimizing congestion on public streets and impacts on neighboring properties. The plan shall reflect temporary fencing and landscape screening, interim drainage from the construction site and provide for off site contractor parking.
  - vi. A "**Final Landscape Plan**," drawn on the approved, final grading and drainage plan shall be submitted and shall be subject to review and approval by the City Arborist after verification that the plan complies with the following requirements.
    - o Substantial compliance with the "**Preliminary Landscape Plan**".
    - o Diversity in species, general use of native species, avoidance of a mono culture and no planting of invasive species.
- (d) During Construction. *For the duration of construction activity on the Property, the following conditions shall be met to the satisfaction of the City Engineer and Director of Community Development:*
- i. Construction traffic shall be prohibited from parking or staging on Westminster. All contracts for work on the Property shall stipulate the approved construction route as designated by the City Engineer.
  - ii. All construction staging areas and the construction site shall be enclosed with chain link fencing with affixed fabric during the entire construction process unless otherwise approved in writing by the City Engineer or Director of Community Development.
  - iii. All construction and development work shall be undertaken and completed in accordance with the Final Development Engineering



Plans and the Final Landscape Plan, the terms and provisions of this Ordinance, and all applicable requirements of law.

- v.     Inch for inch replacement shall be required for trees removed from the Property consistent with the City Code.
- (e)   Issuance of Building Permits. *Prior to the issuance of building permits the following condition shall be met to the satisfaction of the Director of Community Development.*
  - i.     Documentation shall be presented to the City confirming payment of the applicable impact fees to School Districts 67 and 115 based on the proposed home to be constructed on the lot for which a building permit is sought.
- (f)   General Conditions. *On an ongoing basis, the following conditions shall be met to the satisfaction of the City Engineer and Director of Community Development:*
  - i.     After City approval of infrastructure improvements in the development, a three-year landscape maintenance guarantee period shall commence. The City Arborist shall conduct inspections twice a year, spring and fall, to verify compliance with the Final Landscape Plan. If so directed by the City, plant materials that are dead or failing to thrive shall be replaced consistent with the approved plan. If appropriate, additional plant material may be required to fill gaps or otherwise achieve the intent of the approved plan. As determined to be appropriate by the City Arborist, substitutions may be made in lieu of approved plant materials. Following such three-year period, the landscape guaranty security shall be returned to the Developer or designee, but the City shall have the ongoing right to periodically inspect the landscaping along the north and east perimeter of the Property and to require the Homeowners' Association to replace any dead, diseased, or dying plants required under the Final Landscape Plan (subject to such plant substitutions as may be appropriate in accordance with good arboricultural standards).
  - ii.    All contractors shall comply with the permitted construction hours as stated in the Code. No staging of construction vehicles or equipment is permitted prior to the permitted construction starting time.

**SECTION 4. Failure to Comply with Conditions.**   Upon the failure or refusal of the Developer to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, the approvals granted in Section 2 of this Ordinance

may, in the sole discretion of the City Council by ordinance duly adopted, without the need for a public notice or hearing, be revoked and become null and void; provided, however, that, except as otherwise provided in this Ordinance, no such revocation ordinance shall be considered unless (i) the City has first notified the Developer of the Property and (ii) the Developer has failed to cure any violative condition within 30 days (unless such violative condition requires more than 30 days and the Developer timely commences corrective action and continuously prosecute such corrective action without interruption until completion). In the event of revocation, the development and use of the Property shall be governed solely by the regulations of the R-4 District, as the same may, from time to time, be amended. Further, in the event of such revocation, the City Manager and City Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Developer acknowledges that public notices have been given and public hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right provided that the terms of this Section are satisfied.

**SECTION 5. Amendment to Ordinance.** Except to the extent expressly provided in this Ordinance, any amendments to the terms, conditions, or provisions of this Ordinance that may be requested by the Developer of the Property 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, or by an amendment to the special use permit itself in the manner provided in the Zoning Code and by applicable law.

**SECTION 6. Binding Effect.** Except as otherwise expressly provided in this Ordinance, the privileges, obligations, and provisions of each and every Section of this Ordinance are for the sole benefit of, and shall be binding on, the Developer (or a subsequent purchaser solely upon the execution of a transfer

assumption agreement in form and substance satisfactory to the City Manager), as well as any transferees of the Developer either (i) duly approved by the City pursuant to a transferee assumption agreement in a form acceptable to the City, or (ii) resulting from the transfer of an individual dwelling unit following issuance of a certificate of occupancy for such unit. This Ordinance shall be in full force and effect from and after its passage and approval; provided, however, that this Ordinance shall be of no force or effect unless and until (iii) Developer acquires the portion of the Property that is subject to a Purchase/Sale Agreement from Owner, and (iv) Developer files with the City its unconditional agreement and consent, in the form attached hereto as **Exhibit F** and by this reference incorporated herein and made a part hereof; provided further that, if Developer does not so file its unconditional agreement and consent within 90 days following the passage of this Ordinance, the City Council may, in its discretion and without public notice or hearing, repeal this Ordinance and thereby revoke the special use permit granted in this Ordinance.

**SECTION 7. Effective Date.** This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this 5<sup>th</sup> day of April, 2021.

AYES: 5 Alderman Nitz, Preschlack, Goshgarian and Weber  
Mayor Pandaleon

NAYS: 3 Alderman Karras, Rummel and Burchmann

ABSENT: 0

ABSTAIN: Alderman Morris

APPROVED this 5<sup>th</sup> day of April, 2021.

ATTEST:

City Clerk

*Margaret Poyner*

Mayor



## **EXHIBIT A - 1**

### **Property Legal Description**

Lots 1 and 2 of Masonic Subdivision, being a subdivision 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 December 20, 1982 as Document 2190418, in Lake County, Illinois.

A portion of Lot 4 in R. H. Mabbatt Subdivision of Lots 130, 131, and 134 of Lake Forest, (except the Westerly 75.00 feet of said Lot 134 and except the Easterly 76.00 feet of said Lot 130); All in the North ½ of Section 33, Township 44 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded as Document #1118216 in Block 38 of Plats on page 2 in the office of the Recorder of Deeds in Lake County, Illinois.

## **EXHIBIT A - 2**

### **Property Legal Description**

A portion of Lot 4 in R. H. Mabbatt Subdivision of Lots 130, 131, and 134 of Lake Forest, (except the Westerly 75.00 feet of said Lot 134 and except the Easterly 76.00 feet of said Lot 130); All in the North ½ of Section 33, Township 44 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded as Document #1118216 in Block 38 of Plats on page 2 in the office of the Recorder of Deeds in Lake County, Illinois.

## **EXHIBIT B**

### **Findings of Fact**

1. The Development Plan provides housing types that are available only in limited supplies in the community.
2. The Development Plan supports alternative modes of transportation due to its proximity to walking and bicycle paths and the train station.
3. The Development Plan supports and brings vitality to the Central Business District by locating new residential units within walking distance of restaurants, retail stores and services businesses.
4. Development Plan locates housing near community institutions: churches, the Library, Gorton Community Center, Lake Forest College, and the History Center.
5. The establishment, maintenance or operation of the use will not be detrimental to or endanger public health, safety, morals, comfort or general welfare. The proposed use in conjunction with the earlier phases of the McKinley Development are part of a long term plan to transition uses in this area from office buildings to multi-family residential. This change reduces traffic congestion and parking needs that would have resulted from redevelopment of the area for office uses as permitted by the current zoning on some of the parcels in the overall development. The building will be constructed to current building and life safety codes and, landscaping is planned to soften the currently bare streetscape in this area creating a landscaped entrance into the historic district consistent with landscaped streetscapes found throughout the historic district.
6. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish or impair property values within the neighborhood. The proposed development will provide certainty in a transition area that long has been somewhat of an eyesore along the streetscape. All required zoning setbacks are met and in most cases exceeded by the proposed building and the height of the building is in compliance with the height permitted by the code and not inconsistent with surrounding homes to the north and east. No documentation has been submitted to demonstrate that the proposed development will substantially diminish or impair property values in fact, providing certainty around how the property will be developed and replacing a 1960's residence with a new residence which will be subject to review and approval by the Historic District will help to support property values in the surrounding area.

7. The use will not impede the orderly and normal development and improvement of surrounding properties or open the door for other multi-family developments since each development petition must be considered on its own merits. Properties in the vicinity are for the most part developed. Redevelopment is occurring in a normal and orderly manner on property several lots to the east, on the four lots recently created through the Swift Subdivision. Those parcels are more centrally located in the historic district, surrounded on all sides by historic properties in the historic district, unlike this property which is located at the very edge of the historic district, adjacent to large multi-family buildings to the west. The use will not negatively affect or detract from the vitality or the character of the nearby business district.

Restoration and enhancements to the Library site are currently under consideration. Library representatives have been engaged in the redevelopment discussions for this area since the early deliberations on the Master Plan. A conscious decision was made to require a publicly accessible green space to the north of the Library on the Phase 3 development site and pedestrian connections to and through the new development connecting the adjacent residential neighborhood more directly with the train station and the Library. The Library renovation plans do not contemplate the need for expansion of the Library in a linear fashion to the north but instead, the concept being pursued anticipates renovation of the existing building and alterations on the existing Library site.

8. The architectural appearance and functional plan are not incompatible with the surrounding area. The building as proposed replicates the two previously approved buildings in a two story mass rather than three story mass. The design aspects of the building, the exterior materials and landscaping will all be subject to review and approval by the Historic Preservation Commission.
9. Adequate utilities, access roads and drainage facilities are in place to serve the proposed development. The phase three property was previously developed with an outbuilding from an early estate and the properties on which phases one and two of the development were constructed were previously developed with three office buildings. A stormwater management plan, reflecting drainage and grading improvements, has been developed. The proposed improvements include regrading and the installation of storm sewers on the development site as well as on neighboring properties to the east, 373 and, if the owners agree, on 385 E. Westminster subject to approval by the City. The 373 Westminster property is low lying and currently is impacted by stormwater flowing east on Westminster from McKinley Road and from the south. Improvements to this condition are planned as part of the development.
10. Adequate measures will be taken to provide ingress and egress to minimize traffic congestion on public streets. Two vehicle access points to the overall

development exist. No changes to the location of those access points is proposed or needed to accommodate the third building.







# LANDSCAPE PLAN

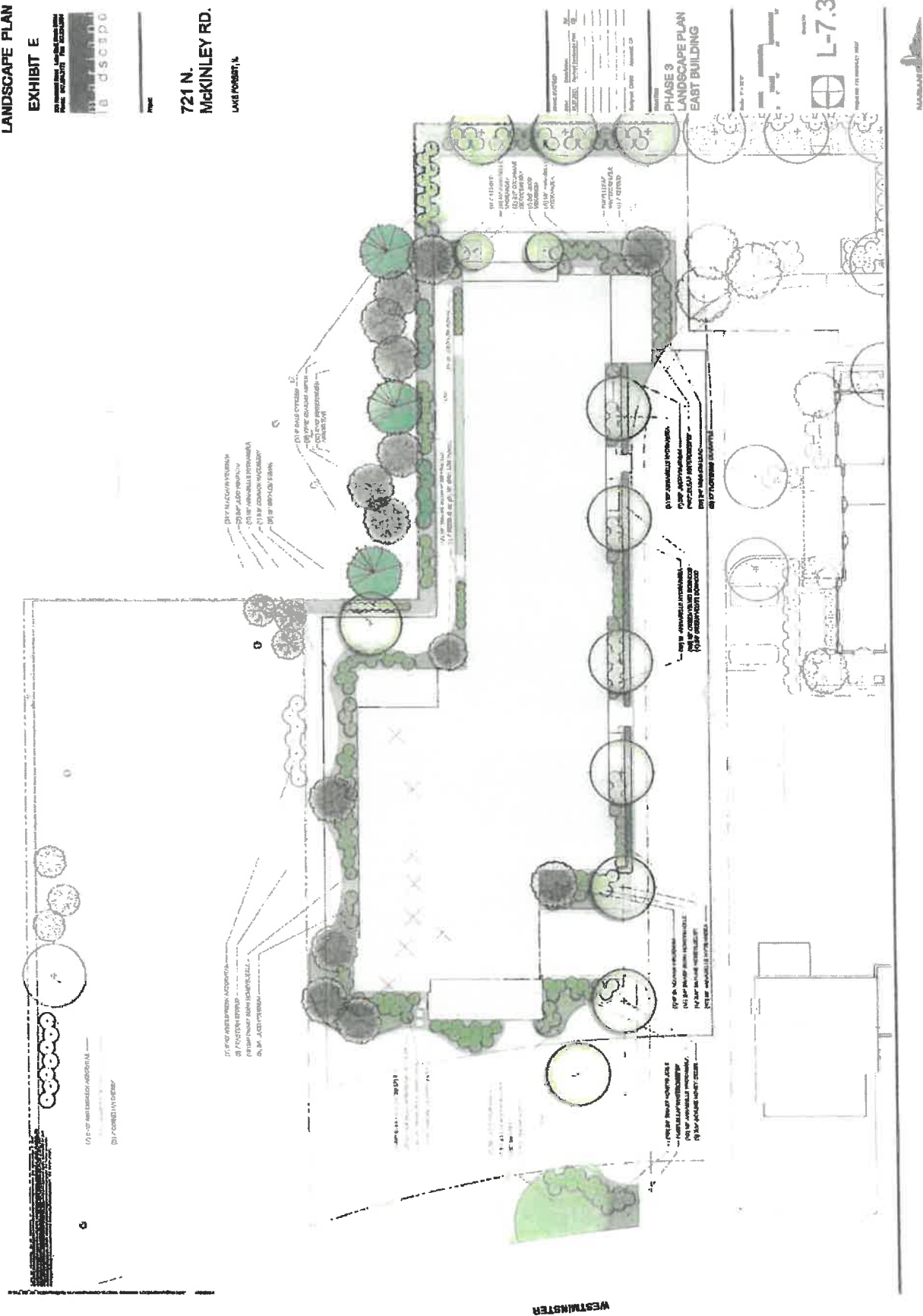
## EXHIBIT E



Page

721 N.  
MCKINLEY RD.

LAKE FOREST, IL



WESTMINSTER

**EXHIBIT F**  
**Unconditional Agreement and Consent**

Pursuant to Section Six of The City of Lake Forest Ordinance No. 2021 - 016 ("**Ordinance**"), and to induce the City Council to grant the approvals provided for in such Ordinance, the undersigneds acknowledge for themselves and their successors and assigns in title to the Property that they

1. have read and understand all of the terms and provisions of Ordinance No. 2021 - 016;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, The City of Lake Forest City Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's issuance of any permits for the use of the Property, and that the City's issuance of any permit does not, and shall not, in any way, be deemed to insure the Owners against damage or injury of any kind and at any time;
4. acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance;
5. agree to and do hereby hold harmless, defend, and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties with respect to the Property and the City's adoption of the Ordinance or granting the approvals to the Owners pursuant to the Ordinance, except as may arise from the City's gross negligence or willful misconduct, and provided that the City shall assert its available immunities in connection with such claims; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Owners of the Property.

DEVELOPER: \_\_\_\_\_

By: \_\_\_\_\_

Its \_\_\_\_\_

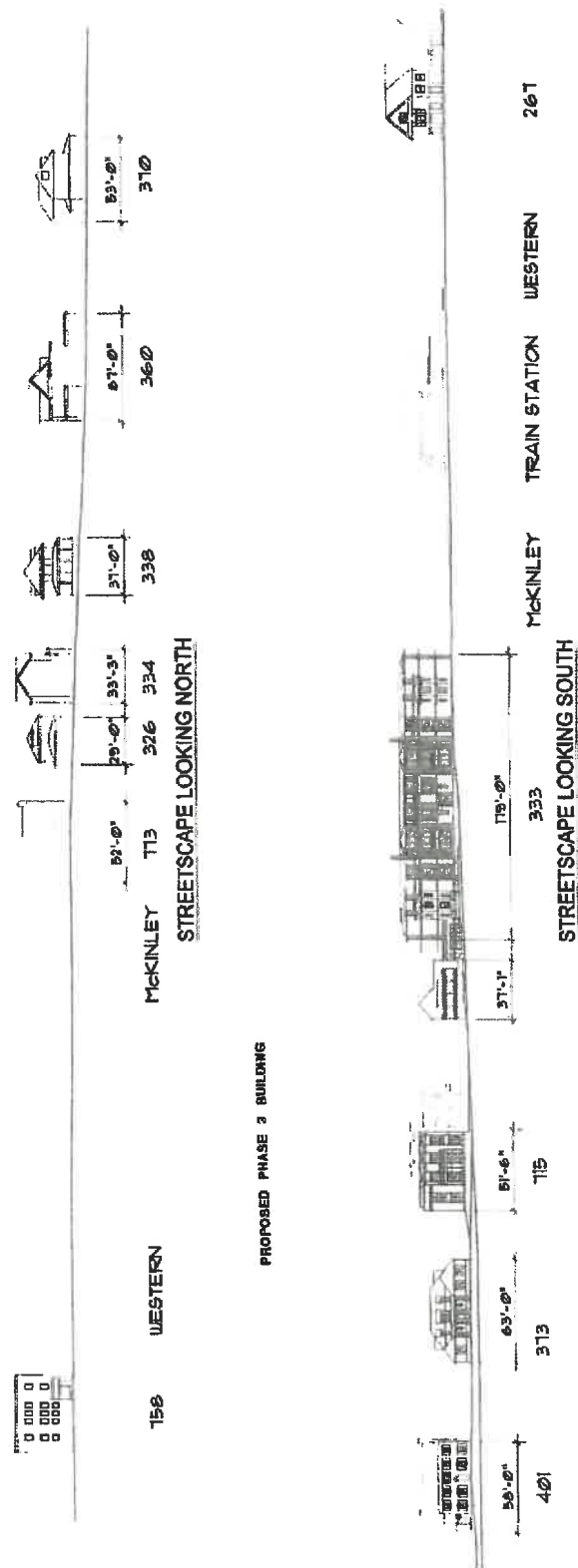
361 WESTMINSTER LLC.  
373 EW LLC.  
PARTNER

ATTEST: \_\_\_\_\_

Michelle [Signature]

## ***Background Material***

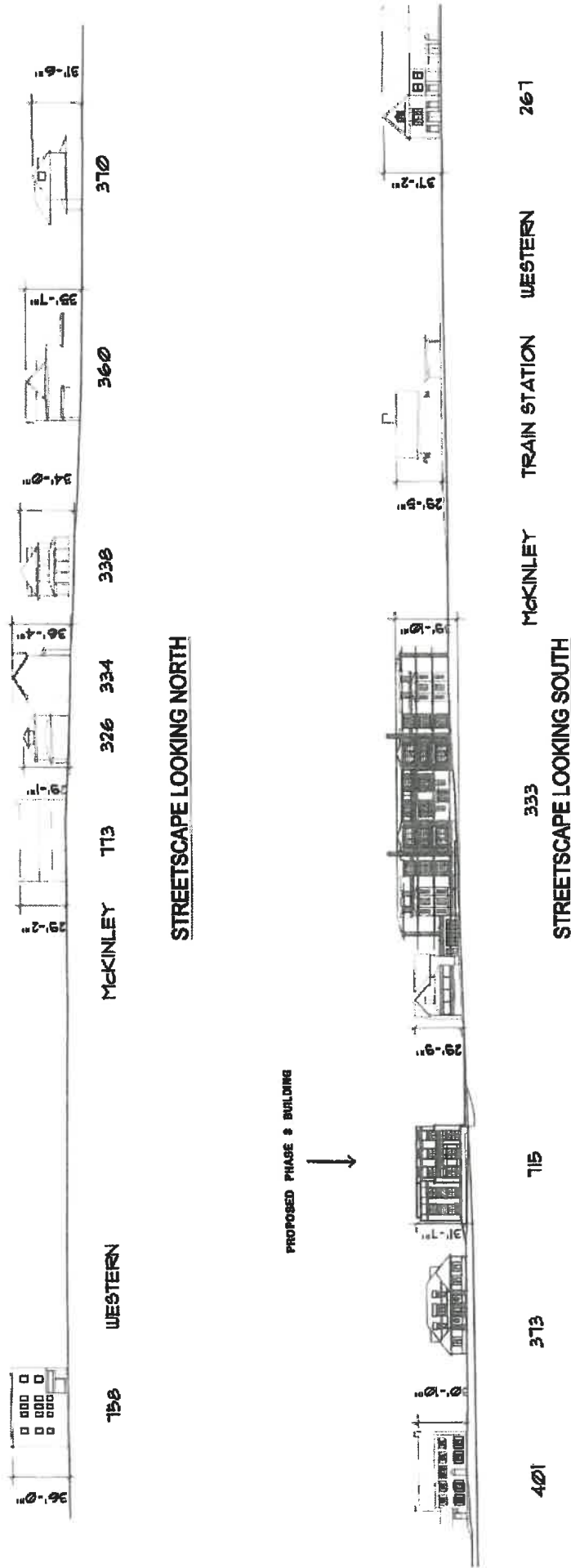
## REVISED -- COMPARISONS OF BUILDING WIDTH ON STREETSCAPE



**Winter & Associates**  
Architecture and Interior Design  
winterandassoc.com

**MCKINLEY ROAD DEVELOPMENT  
WESTMINSTER AVE STREETSCAPE**  
March 9, 2021  
SCALE: 1" = 80'

COMPARISON OF BUILDING HEIGHTS ON THE STREETSCAPE



MCKINLEY ROAD DEVELOPMENT  
WESTMINSTER AVE STREETSCAPE  
Feb 1, 2021  
SCALE: 1" = 60'

Witmer & Associates  
Architecture and Interior Design  
witmerandassociates.com





VIEW FROM NORTH

PROPOSED PHASE 3 BUILDING

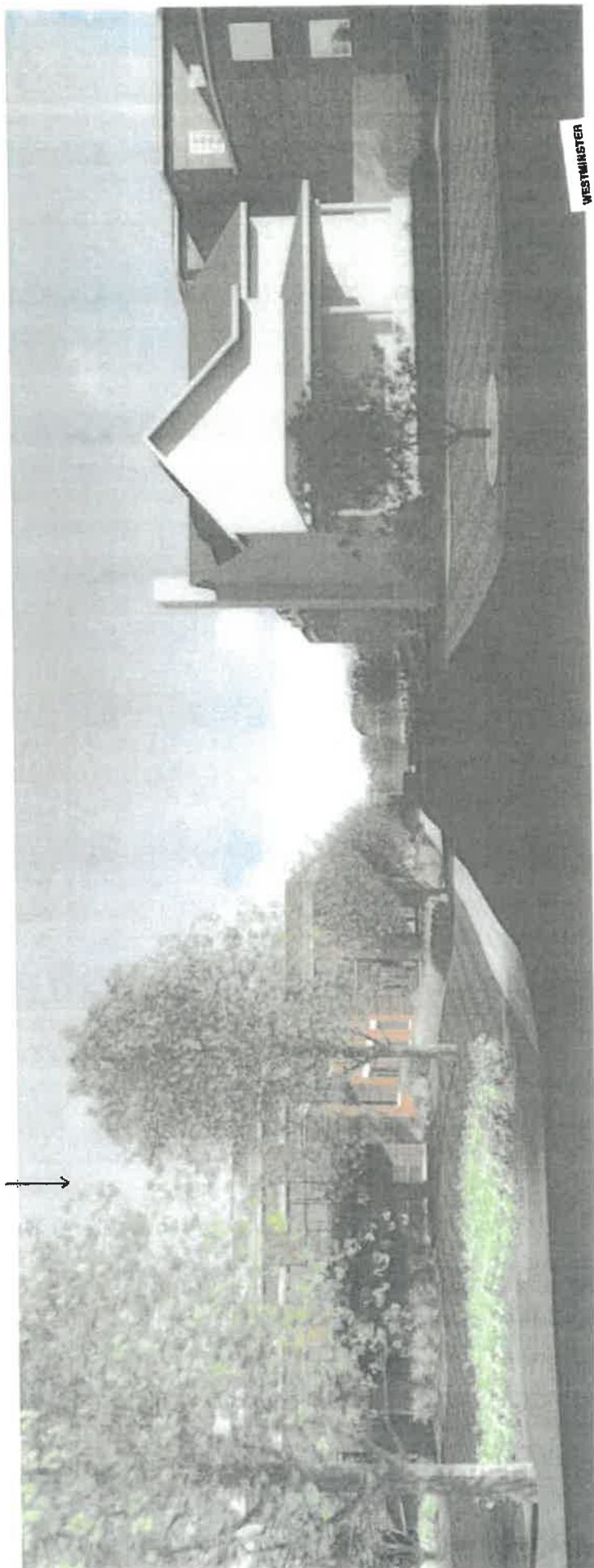


WESTMINSTER

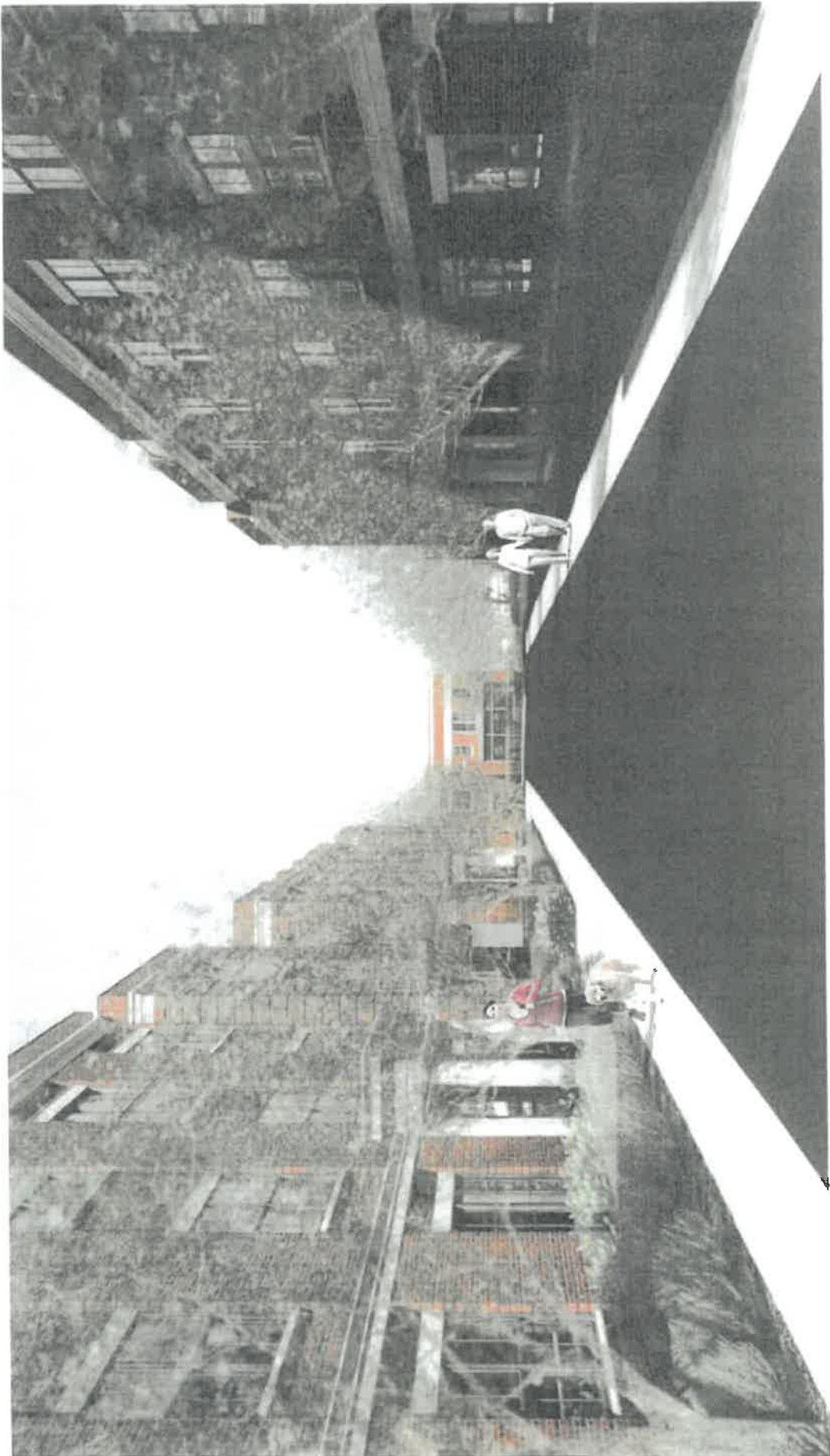


VIEW FROM NORTH

PROPOSED PHASE 3 BUILDING



VIEW FROM MCKINLEY ROAD





EAST ELEVATION



NORTH ELEVATION

SOUTH ELEVATION



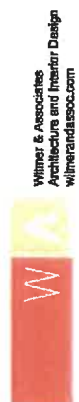
WEST ELEVATION

715 MCKINLEY ROAD  
ELEVATIONS  
March 9, 2021 SCALE: 1/16" = 1'-0"





715 MCKINLEY ROAD  
ELEVATIONS  
March 9, 2021 SCALE: 1/16" = 1'-0"



Wimer & Associates  
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# ***The City of Lake Forest***

## ***Guidelines for Appeals to the City Council***

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### **GENERAL INFORMATION**

When authorized by the ordinances relating to the various Boards and Commissions of The City of Lake Forest, the City Council will hear appeals of decisions of those bodies as required. Unless otherwise specifically provided for in the relevant ordinance or code provision, the hearing of these appeals will be guided by the following principles:

1. Appellants shall recognize that appeals before the City Council are not public hearings. The City Council is bound only to review the decision of the Board or Commission and to take the appropriate action. The Council is not required to take public testimony, and does so at its discretion.
2. Appellants shall not re-present the entire case to the City Council. The City Council will have received and reviewed all relevant supporting materials that were previously provided to the Board or Commission. The Council will have received the minutes from any relevant meetings.
3. Appellants shall not present any new testimony, evidence, or data, to the City Council.
4. Appellants shall summarize the project or issue, and then describe for the Council why they believe that the Board or Commission erred in its decision based on the applicable Code criteria. The appellant shall focus on the decision of the Board or Commission and explain to the Council why the Council should reverse, modify, or remand that decision.

### **NOTICE OF APPELLANT OF THESE GUIDELINES**

Whenever an appeal to the City Council is filed, the City Clerk shall notify the Appellant of these guidelines in writing, via regular mail or personal delivery, prior to the City Council meeting. Copies of these guidelines shall be made available at the meeting and during regular business hours at City Hall.

### **PRESENTATION ORDER AND TIMES**

The following order and times are provided as guidelines for appeals to the City Council. This order and times are subject to be adjusted, shortened, or lengthened at the discretion of the City Council. The times presented are maximums. Therefore, for example, if an appellant has an attorney that wishes to speak before the Council, that presentation must be completed within the maximum time provided. Finally, as this is not public hearing, the City Council will hear public comment at its discretion.

<b>Presentation Order</b>	<b>Time Maximum</b>
1. Presentation by the party making the appeal (the "appellant").	5 Minutes
2. Presentation by the party who is the subject of the appeal.	5 Minutes
3. Public comment (per presenter)	2 Minutes
4. Presentation by city staff or members of Boards or Commissions	5 Minutes
5. City Council questions of all parties	Open
6. Comment closed, City Council discussion	Open
7. City Council action	