

Historic Preservation Commission
Proceedings of the July 12, 2021 Meeting

A special meeting of the Lake Forest Historic Preservation Commission was held on Monday, July 12, 2021, at 6:30 p.m., at the City of Lake Forest City Hall, 220 E. Deerpath, Lake Forest, Illinois.

Historic Preservation Commissioners present: Chairman Bruce Grieve and Commissioners Jan Gibson, Maureen Grinnell, Steve Lamontagne, Ron Levitsky, Robin Petit, and Elizabeth Sperry

Commissioners absent: None

City staff present: Catherine Czerniak, Director of Community Development,
Jennifer Baehr, Planner

1. Introduction of Commissioners and staff, overview of meeting procedures.

Chairman Grieve reviewed the meeting procedures followed by the Commission and asked the members of the Commission and staff to introduce themselves.

2. Consideration of the minutes from past meetings of the Historic Preservation Commission.

The minutes of the February 22, 2021 meeting were approved as presented.

3. Consideration of a request for a Certificate of Appropriateness for the demolition of the residence at 373 E Westminster and a two story condominium building, the third and final phase of the McKinley Road Multi-Family Planned Development. The condominium building is proposed on the south side of Westminster, east of phases 1 and 2 of the McKinley Development, and north of the Library. The Commission is charged with evaluating the proposed demolition and the proposed condominium building as proposed is two stories and generally follows the design and materials of the buildings in the earlier phases. The Commission will also consider the conceptual landscape plan.

Property Owners: 373 EW Westminster LLC (Todd Altounian and Peter Witmer), City of Lake Forest

Contract Purchaser: 361 Westminster LLC (Todd Altounian and Peter Witmer)

Project Representative: Peter Witmer, architect

Chairman Grieve asked the Commission for any Ex Parte contacts or conflicts of interest.

Commissioner Levitsky stated that as he was visiting the site he was approached by a neighbor but had no substantive discussion.

Chairman Grieve acknowledged that the McKinley Road development has been the subject of much discussion both related specifically to this petition as well as related to the overall project. He noted that the items for Commission consideration at this meeting and going forward include: consideration of the request for approval of the demolition of the residence at 373 E. Westminster and consideration of the proposed Phase 3 condominium building which are both before the Commission for action, and a new single family residence on the eastern portion of the 373 E. Westminster property which is not currently before the Commission for action.

In response to a request from Chairman Grieve, Ms. Czerniak confirmed that the demolition and proposed condominium building are before the Commission for action. She reviewed that the City Attorney confirmed the distinction between what is before the Commission for action; reaffirmation of the demolition of the residence which was previously approved by this Commission and consideration of the third condominium building in the McKinley multi-family development, and consideration of a new single family residence on the eastern portion of the property which will be presented for Commission action at some time in the future.

Chairman Grieve stated that the Commission will first consider the demolition request. He reviewed that the Commission previously approved the demolition of the residence at 373 E. Westminster and a replacement residence for the site at the request of a previous property owner. He stated that because the demolition approval has expired and the ownership of the property has changed, the Commission must reconsider the demolition request. He stated that the circumstances that previously supported the demolition have not changed. He invited Commission comment.

Commissioner Gibson noted that there is a drawing of a conceptual replacement residence in the Commission's packet however the petitioner asked the Commission to disregard the drawing.

In response, Ms. Czerniak stated that at the last meeting the Commission requested a concept showing how a replacement residence might be sited on the reconfigured lot and explained that the concept was included in response to the Commission's request. She noted however that the property owners have not yet submitted an application for review of a new residence on the site. She stated that the Commission is welcome to offer high level comments with respect to a future single family home on the site if desired.

Commissioner Gibson noted that the letter from the Lake Forest Preservation Foundation points out that in the past, the Commission has required presentation of plans for a replacement structure concurrent with a demolition request. She questioned whether the Commission can consider only the request for demolition without a proposed replacement structure.

In response, Ms. Czerniak confirmed that the Commission most often sees a demolition request in conjunction with a replacement structure but noted that is not always the case. She noted that the Commission approved the demolition of the residence on the Swift property prior to seeing plans for replacement homes on the property. She stated that as occurred with the Swift property, any future new residence on the property will require review and approval by the Commission.

Commissioner Gibson asked about the status of the reconfiguration of the 373 E. Westminster property.

In response, Ms. Czerniak reviewed that the City Council has approved a plat of consolidation adding the western portion of the 373 E. Westminster property to the multi-family development site. She stated that the condominium building before the Commission for action is in part a replacement for the residence proposed for demolition. She confirmed that staff conferred with the City Attorney as requested by the Commission and the Attorney confirmed that the Commission should proceed with consideration of the proposed demolition and the third condominium building.

Chairman Grieve invited a presentation from the petitioner.

Mr. Witmer explained that demolition of the residence at 373 E. Westminster was previously approved by the Commission in 2016 at the request of the previous property owner. He stated that at that time, a Historic Assessment and a structural report were provided to the Commission. He noted that the Historic Assessment states that the existing residence is neither architecturally, nor historically, significant. He stated that the house has fallen into further disrepair since the structural report was completed. He added that the drainage issues on the site mentioned by the prior owner still exist with water coming on to the property from the property to the south.

Ms. Czerniak stated that the Historic Assessment and the structural report from 2016 were included in the Commission's packet. She stated that in 2016, the Commission unanimously approved the demolition with little comment. She stated that the demolition request is back before the Commission for reaffirmation because of the change of ownership and the fact that the prior approval has expired. She stated that the facts in support of demolition of the house have not changed since 2016.

Commissioner Gibson asked about drainage on the site and how drainage issues would be addressed.

In response, Ms. Czerniak reiterated that one of the reasons the prior owners offered in support of the earlier demolition request was ongoing issues with stormwater on the site. She stated that engineering staff was out to the 373 E. Westminster site several times and agreed that regrading of the property would allow for improved drainage.

Commissioner Sperry asked for clarification on the demolition criterion that states "except in cases where the owner has no plans for a period of up to five years to

replace an existing landmark, structure, or object in a District, no Certificate of Appropriateness shall be issued until plans for a replacement structure or object has been reviewed and approved by the Commission."

In response, Ms. Czerniak stated that the City Attorney confirmed that the Commission should review the condominium building which is presented concurrently with the demolition request. She noted that when a future residence is proposed on the east portion of the property, Commission review and approval will be required.

Commissioner Gibson asked if the Commission could add a condition that would prevent duplexes or a multifamily development and the reconfigured 373 E. Westminster property.

In response, Ms. Czerniak stated that the property is zoned for single family use adding that any request for a change in zoning would be heard by the Plan Commission and would require final action by the City Council. She stated that the Commission could note for the record that it is the Commission's expectation that a single family home will be built on the property consistent with the zoning in place at the time of the approval of the demolition of the existing residence.

Commissioner Petit asked for confirmation that if the Commission approves the demolition, the entire structure, including the foundation, will be removed and the site back filled. She asked if the site, after demolition, will be used as a staging area for the construction of the condominium building. She asked if once construction of the condominium building is completed, the site will be restored with grass until a new residence is built on the site.

In response, Mr. Witmer confirmed that the entire residence, including the foundation, will be removed from the site and that the site will be back filled. He stated that the site will be fenced off and used as a staging area for construction of the condominium building. He stated that if construction of a new residence on the site does not occur right away, the site will be maintained consistent with other vacant lots in the City.

Commissioner Petit asked whether the construction of a new residence on the 373 E. Westminster parcel will be delayed to allow the site to be used as a construction staging area.

In response, Mr. Witmer stated that ideally the house will be designed once a buyer for the lot is identified. He stated that the condominium site is very tight and confirmed that a portion of the 373 E. Westminster property will be used as a construction staging area.

Commissioner Sperry asked for clarification that the reason the petitioner is requesting a Certificate of Appropriateness for the demolition of the former Donovan residence

is to make the property available for construction staging site for the third condominium building.

In response, Mr. Witmer stated that the demolition request is because part of the existing residence is on property that was approved for incorporation into the property for the third phase of the multifamily development. He stated that ideally they will build the new single family residence at the same time as the condominium building to minimize the duration of construction activity in the neighborhood.

Commissioner Grinnell asked how long the petitioner expects to be under construction for both the condominium building and the single family home.

In response, Mr. Witmer noted that the permitted duration of building permits is specified in the Code and noted that the two existing condominium buildings were completed in about a year and a few months. He stated that he expects that construction of the third condominium building, because it is two stories and not three, should be completed more quickly, in about a year. He added that construction of the new residence will take about a year as well.

Commissioner Gibson asked where construction staging for the third condominium building might occur if not on the 373 E. Westminster property.

In response, Mr. Witmer stated that it will be difficult to stage construction on the site. He stated that prior to acquiring the 373 E. Westminster property, other options for staging were considered. He stated the intent to stage on property they own.

Commissioner Lamontagne stated that the materials submitted by the petitioner include a streetscape elevation with a conceptual design for the house on the 373 E. Westminster property that differs from the conceptual elevations of the replacement home provided in the packet. He asked for clarification on whether the petitioner is requesting review of the replacement residence at this time.

In response, Mr. Witmer stated that a conceptual design for a future house on the remainder of the 373 E. Westminster property was provided in response to Commission's request at the last meeting. He stated that the conceptual design demonstrates that a house fits within the setbacks but noted that various designs have been studied that will fit within the setbacks. He acknowledged that the streetscape elevation was completed prior to development of the conceptual elevations that were included in the packet.

Hearing no further questions from the Commission, Chairman Grieve invited public testimony.

Jeff Torosian, 401 Westminster, stated that he objects to the process of separating the demolition from the approval of the new condominium building. He stated that in his opinion, the reason the Commission is in a difficult situation today is because of past

approvals of the various phases of the development, including approval of the demolition of the Quinlan Coach House, without a replacement plan. He stated that Art Miller came before the Commission when the demolition of the Quinlan coach house was presented and cautioned the Commission about approving the demolition of the structure without a replacement structure. He stated that he disagrees with the City Attorney's opinion and noted that everyone should be mindful given the last City Attorney and what he did in conjunction with the former City Manager. He stated that just because the City Attorney says something does not mean it is true. He explained that Commissioner Sperry pointed out that the demolition criteria state that no permit for demolition of a landmark, structure, or object in the Historic District shall be issued except simultaneously with the issuance of a building permit for the replacement property, structure or object. He stated that by separating the demolition request from consideration of the new condominium building, the Commission can approve the demolition and deny the replacement structure effectively approving a demolition without a replacement structure. He stated that consideration of the requests separately is inappropriate and not consistent with the ordinance. He noted that the ordinance is not even cited in the City Attorney's memorandum. He asked that the condominium building and the replacement house be considered concurrent with the demolition. He noted that the petitioner has stated the intent to use the 373 E. Westminster property for staging with no guarantee that the petitioner will build on the property. He stated that it is important that if the petitioner moves forward with development of the condominium building, that a new single family residence is built on the 373 E. Westminster property to provide an important transition to the neighborhood. He added that without a single family residence on the 373 E. Westminster property, there will just be a condominium building with no transition to the properties to the east. He asked the Commission to disapprove the demolition and stated objection to separating the two requests.

Rommy Lopat, 410 Woodland Road, agreed with Mr. Torosian's comments and agreed that the Commission should disapprove the demolition request. She stated that she reviewed the minutes of the June, 2016 Commission meeting at which the demolition of the Masonic Temple was approved and noted that a condition of approval was that the replacement structure shall be of high quality design, consistent with the character of the community and the Historic District. She stated that the condition demands that the Commission's first question must be whether the replacement structure is consistent with the character of the community and the Historic District. She noted that the City Code states that "A Historic District must exhibit consistency in design, size, scale, style, orientation, materials, detailing, facade design and ornamentation, and its structures must create, define or enhance the character of the District". She stated that if the proposed condominium building is not in keeping with that definition, it is incumbent upon the Commission to find that the petition does not meet the condition of the previous demolition approval. She stated that the proposed replacement structure on the 373 E. Westminster property should be seen now, despite the City Attorney's opinion. She stated her hope that the Commission will challenge the attorney's opinion on grounds of precedent. She

stated that neighbors deserve to know what is to come in the future. She suggested that a way to provide certainty for the neighbors is to recommend to the City Council that no ancillary condominium uses such as parking, garages or pool or party space ever be permitted on the remainder of the 373 E. Westminster property. She suggested that the developer could place a conservation easement on the remaining portion of the 373 E. Westminster property to make it permanent open space and perhaps gain some tax benefits. She added that in her opinion, the property will be an unbuildable stormwater basin anyway. She noted that on June 22, 2016, two weeks after the Masonic Temple demolition approval, Doug Donovan, the prior owner of the 373 E. Westminster property, presented a request to the Commission for approval of demolition of the house and a replacement residence. She stated that a condition of that approval was that all construction vehicles must be parked on the site or in the public parking lots nearby, not on the street. She stated that if this condition was important for a single family house, it should apply to construction of a condominium building as well.

Susan Athenson, President of the Lake Forest Preservation Foundation, stated that many members of the Foundation's Board are present at the meeting. She read a memorandum from the Foundation that was submitted to the Commission earlier in the day. She stated that in the vast majority of demolition petitions, the Commission has required that a replacement structure be presented concurrent with the demolition request. She noted that the standards for review of demolitions state that no certificate of appropriateness shall be issued until plans for a replacement structure have been reviewed and approved by the Commission. She stated that in her memory, the first time this standard was not followed was with the Quinlan Coach House property and then later with the Swift property, both on the same block. She stated it is not appropriate to approve the demolition because the neighbors will not know what will replace the structure. She stated that the Foundation hopes the standard will be followed. She stated that a replacement single family house should be reviewed concurrent with the request for approval of the demolition to assure that a compatible home will be built on the site.

Hearing no further requests to speak from the public, Chairman Grieve offered the petitioner the opportunity to respond to public comment.

In response to public testimony, Mr. Witmer stated that the request satisfies the demolition criteria. He stated that a new residence will require review and approval by the Commission to ensure that it is compatible with the neighborhood. He stated that preserving the property in his opinion, does not make sense adding that the investment made in the property was not with the intent of creating open space. He stated that a new residence will follow the standards for projects within the Historic District. He stated that although the construction process is not under the purview of the Commission, construction parking is not planned on the streets. He stated that if construction vehicles cannot be accommodated on site the public parking lots will be used.

Chairman Grieve stated that it appears that the reason why the petitioner is requesting the demolition at this time is to allow the construction to be completed in phases. He invited final comments on the demolition from the Commission.

Commissioner Lamontagne stated that in his opinion, by taking action on the demolition as presented, the Commission is not setting a precedent. He stated that based on the information presented, the existing residence does not have any historic value. He stated that consistent with the Commission's ruling in 2016, he is supportive of the demolition of the residence at 373 E. Westminster. He noted that any new construction proposed for the site will require review and approval by the Commission.

Commissioner Sperry stated that in her opinion, the Commission is establishing a precedent with this petition. She stated that she does not think the opinion of the City Attorney is relevant in this case. She stated that approving the demolition without a replacement structure is not consistent with the ordinance. She noted that when she joined the Commission in 2016, the Commission approved the demolition of the Masonic Temple. She agreed with Mr. Torosian that the 2016 approval created a difficult situation. She stated that she does not believe that the Commission should move forward with action on the demolition until a replacement structure for the 373 E. Westminster parcel is presented along with the demolition request.

Commissioner Petit agreed with Commissioner Sperry. She stated that the neighborhood has been through a great deal of construction over the past year and a half. She stated that additional construction activity on the remaining portion of the 373 E. Westminster property does not seem fair. She acknowledged that the replacement structure on the 373 E. Westminster property is independent of the proposed condominium building, but noted that the Commission needs to know what kind of structure is proposed to allow an understanding of the transition from the condominium development to the single family residential neighborhood. She stated that in her opinion, the 373 E. Westminster property should not be used for construction staging. She stated that she is not in favor of the demolition at this point based on the lack of a plan for a replacement structure.

Commissioner Grinnell stated that she is concerned about not knowing what will happen after the demolition and concerned about setting a precedent. She stated that it is important not to simply proceed with demolition of the residence because of the momentum of the project. She explained that it is only fair for the neighbors to know what is going to happen. She stated that in her opinion, the demolition does not satisfy criterion three, "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 Ordinance for the applicable District."

Commissioner Levitsky stated that it is an important point that the City Attorney has said that the petitioner is permitted to separate the aspects of the overall development. He stated that he is convinced that the demolition request meets the

demolition criteria. He stated that in his short time on the Commission, he has heard a number of times that when buildings are not permitted to be torn down, the condition of the building gets worse and the building becomes a problem for the community. He stated that he agrees with Commissioner Lamontagne's comments and is in favor of demolition.

Commissioner Gibson stated that she reviewed the City Attorney's memorandum a number of times in order to understand it. She stated that Mr. Torosian's comments were compelling in that the past decision to approve the demolition of the Quinlan Coach House led to a difficult situation. She stated that the Commission does not have a clear understanding of what is going to happen on the 373 E. Westminster property. She noted that normally, the Commission reviews a replacement structure with a demolition to ensure compatibility with the neighborhood. She stated that the Commission does yet know the size, height, details or materials of a future replacement structure on the 373 E. Westminster property. She noted that the neighborhood has a wonderful character adding that the replacement residence should be compatible with the character of the neighborhood. She stated that the replacement residence should provide a transition between the condominium development and the single family homes to the east. She stated that based on demolition standards number three and five, she is not supportive of the demolition.

Chairman Grieve stated that in his role as a member of the Commission he tries to be exceptionally true to the process. He acknowledged that at times some may feel that the process does not lead to the outcome they desire adding that his approach is to look at the rules and regulations, and abide by them. He stated that he reviewed the standards for demolition and finds that they are met noting that the standard that he put more thought into is the standard that speaks to a replacement structure. He added that in his opinion, the Commission was correct in asking for more guidance around that standard at the last meeting. He noted that the Commission received the requested. He acknowledged that the Commission can choose to accept the guidance provided or not. He noted that the Commission could approve the demolition with the conceptual plan, continue the matter and direct further refinement but in effect, the Commission, by doing so, has already confirmed that there is support for the demolition. He stated that with respect to setting a precedent, the Commission has approved demolitions without a concurrent replacement structure before. He added that the Commission looks at each petition independently based on the specific facts. He noted that the demolition of the residence at 770 Washington Road was approved by the Commission based on the uniqueness of the circumstances. He acknowledged that it was a difficult decision for the Commission, but noted that he had no doubt that the condition of the structure would only get worse and that approving the demolition was in the best interest of the community. He noted that he has given thought to what is unique about this request and concluded that the phasing of the project is unique. He acknowledged that all may not agree but in his opinion, demolition of the house now will provide space that can thoughtfully be used for staging during construction to make the process less miserable. He stated that he believes the demolition is part of the plan to

manage the construction process. He stated that the comment that does not resonate with him is the idea that the petitioners have a long term plan to do something other than construct a single family home on the remaining parcel. He stated that he has not heard anything to suggest that is the plan. He noted that at the last meeting, the Commission asked the petitioner to provide a conceptual plan for a new residence and although it is not a requirement, the petition complied. He stated that he has seen Mr. Witmer's work over many years and has no concern that he is able to design a home for the parcel that is more in keeping in the neighborhood than the current residence. He noted that the Commission previously approved the demolition of the home in a quick decision finding that the home was not worthy of preservation. He stated that in his opinion, a new home on the site could be an improvement over the existing home and a nice transition to the residential neighborhood. He stated support for the demolition with a clear notation that the expectation is that there will be a single family home on the site in the future. He stated that the suggestion that the remainder of the 373 E. Westminster property be preserved open space confuses him because the Commission does not have the authority to require the parcel to be left open. He stated that there is a home on the property now and the petitioner has every right to construct a replacement house.

Ms. Czerniak stated that the proposed condominium building, which is before the Commission is the only structure currently proposed on the site and it is, in the opinion of the City Attorney, a replacement structure related to the proposed demolition. She reiterated that the Commission has considered demolition requests in the past without concurrently considering a replacement structure. She noted that in the case of structures that pose a public safety risk, the Code provides for administrative approval of demolitions in advance of review of a replacement structure. She noted that the Code states that when a replacement structure is planned, it must be reviewed concurrently with the demolition. She stated that in this case, only the condominium building is currently planned. She reiterated that a future single family residence will be subject to review and approval by the Commission.

Commissioner Lamontagne asked if a replacement residence was presented concurrent with the demolition request in 2016.

In response, Ms. Czerniak confirmed that a replacement residence was presented and approved for the property in 2016 along with the demolition.

Commissioner Lamontagne clarified that the proposed condominium building is the replacement structure that is currently proposed for the site. He stated that it is the expectation of the Commission that a single family home will be built on the remainder of the lot and that the home will come before the Commission for review and approval. He asked whether the Commission could put a time frame on when a new residence should be presented to the Commission.

In response, Ms. Czerniak stated that the Commission has the authority to review and approve a new home, but not to set a required time frame for presentation of the petition.

Chairman Grieve invited any final questions or comments from the Commission, hearing none, he invited a motion.

Commissioner Lamontagne made a motion to grant a Certificate of Appropriateness for the demolition of the existing residence at 373 E. Westminster subject to the following conditions.

1. Any replacement structures proposed on the site, including but not limited to the condominium building proposed on a portion of the site presented 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.
2. The replacement single family residence on the remainder of the 373 E. Westminster property will be subject to a determination by the Historic Preservation Commission that the residence is consistent with the 17 standards as detailed in the City Code, appropriate for the neighborhood, and constructed of high quality materials. In addition, the replacement single family residence shall provide a transition from the larger buildings to the west to the single family homes to the east, north and south.

The motion was seconded by Commissioner Levitsky and approved by a vote of 4 to 3, with Commissioners Gibson, Petit and Sperry voting nay for the reasons previously stated.

Chairman Grieve invited a presentation from the petitioner on the two-story condominium building proposed as the third and final phase of the McKinley Road multi-family development. He requested that the petitioner focus on the refinements made in response to the Commission's direction at the last meeting. He reviewed the direction provided by the Commission to the petitioner: give further consideration and refine the west façade detailing and the north façade given its visual prominence on the Westminster streetscape, provide detailed information on the useable roof top space, revisit the east façade and consider modifications to mitigate impact on the neighboring properties. He added that if other changes were made in response to the comments offered at the last meeting, those should be reviewed as well.

Commissioner Sperry noted that the motion for the demolition did not include the stipulation that the replacement structure must be a single family home.

Chairman Grieve stated that Commissioner Sperry's comment should be noted in the record.

Mr. Witmer compared the current plans with the plans presented at the last meeting and spoke to how the plans address the standards. He stated that the focus of the discussion at the last meeting was on the north elevation and in response, that elevation was modified considerably. He stated that the screen porch on the north elevation was eliminated and an entrance portico was added along with a walkway and a terrace. He described the architectural detailing of the entrance portico and noted that the entry has a stone stoop and steps. He stated that the landscaping on the north side of the building was modified to highlight the new entrance and provide privacy for the two terraces on either side of the entrance portico. He described changes made to the north elevation noting that previously, the center portion of the west elevation projected from the façade but is now recessed with an entrance door into the individual unit. He pointed out that landscaping was added to visually break the building into two pieces. He noted that the screen porch previously located at the southwest corner of the building was eliminated and an entrance door and porch with a walkway were added providing direct access into the first floor unit at that location. He stated that the porch provides a visual terminus at the east end of the road. He stated that the stone headers above the windows is replaced with brick detail to lessen the visual contrast on the building. He pointed out that a triple window was added on the south elevation along with an option for a screen porch at the southeast corner of the building. He explained that the east and west facing windows in the penthouses were eliminated. He stated that the French doors on the west elevation were removed except where they are needed for egress. He stated that a total of eighteen windows were eliminated on the east elevation to minimize impacts on the neighboring properties. He stated that the stone cornice on the east elevation was replaced with a brick rowlock again, to minimize the contrast between the brick and stone and allow the building to have a more subtle appearance. He described how the building steps back along the east elevation and presented renderings of the building from various perspectives to show the relationship of the building to the surrounding buildings. He pointed out that the rendering of the north elevation depicts the limited visibility of the penthouses due to the fact that they are setback from the edge of the building. He noted that by recessing the center of the building along the west elevation, there is a more open view to the south from Westminster. He reviewed the height of the roof elements noting that the penthouse rises five feet, six inches above the parapet wall that extends around the edge of the building. He noted that the total height of the penthouse measured from the roof surface, is nine feet. He reiterated that the penthouses are setback from the face of the building with terraces and green space surrounding the penthouses. He stated that the elevator override and air conditioner units are located on the roof and are hidden by the parapet wall like on the first two condominium buildings. He reviewed the conceptual site plan and elevations to show how a replacement residence could be located on the 373 E. Westminster property.

Ms. Czerniak explained that at the last meeting, the Commission provided specific direction to the petitioner on areas that should be further studied and refined to more fully meet the Commission's 17 Standards. She stated that there are findings in the staff report in support of the petition. She noted that nine conditions of approval are recommended in the staff report the first of which directs attention to drainage. She acknowledged that drainage is not under the purview of the Commission but given the comments on drainage, the condition documents the Commission's concern that drainage be carefully considered. She noted that the third condition speaks to exterior lighting and directs that lighting be directed downward and the source of light fully screened. She added that the condition specifically states that no exterior building or landscape lights are permitted on the east side of the building. She stated that condition four requires that all mechanical equipment, whether on the ground or on the roof, be fully screened from view from off the site. She explained that condition number five speaks to material staging and notes that all reasonable efforts shall be made to minimize impacts on the neighbors. She suggested that this condition could be enhanced to include fencing of the staging area with screening and landscaping noting that the staging area for the second building was screened in that way. She stated that some temporary drainage measures could also be required. She acknowledged that construction has been ongoing in this area for a long time and pointed out that condition five prohibits construction and contractor vehicles from parking on the street. She added that it may be necessary for contractors to park off site in the nearby public parking lots. She stated that conditions six through nine are fairly standard except that condition six which pertains to the final landscape plan, encourages the petitioner to continue discussions with the property owner to the east about replacing the existing lower quality plantings on the neighboring property with quality landscaping that will provide greater screening of the building. She added that the existing overhead wires on the neighboring property may be able to be removed as part of the project. She stated that there is a recommendation in the staff report in support of the issuance of a Certificate of Appropriateness for the third condominium building.

Commissioner Grinnell noted that at the last meeting, she was a strong critic of the appearance of the north elevation and in her opinion, the petitioner has done a nice job of improving that part of the building. She questioned how the petitioner can consider the building two stories when there are penthouses proposed on the roof. She noted that the terraces and green spaces on the roof top appear continuous which suggests that there is an opportunity for larger gatherings on the roof than if the roof spaces were parceled out into individual sections for the units.

In response, Mr. Witmer explained that the useable roof space is delineated on the deeds to the second floor units. He clarified that residents of the building do not have access to the entire roof.

Commissioner Levitsky noted that a number of the letters received by the Commission expressed concern about drainage. He noted that the June 3rd staff report explained that the petitioner purchased the 373 E. Westminster property in

part to address long standing drainage issues. He asked the petitioner how drainage will be addressed.

In response, Mr. Witmer explained that demolishing the house on the 373 E. Westminster property will allow the grade of the site to be raised. He added that a swale is planned along the property line. He stated that the existing house is set about two feet too low making it difficult to resolve the drainage issues without removal of the house. He stated that in addition, a storm sewer is planned to pick up drainage underground and direct it properly.

Commissioner Levitsky asked the petitioner to clarify what elements of the building are above the roof. He asked whether a variance is needed for the height of any of the roof elements as proposed.

In response, Mr. Witmer reviewed a section that was included in the Commission's packet. He stated that the parapet wall rises three feet, six inches above the surface of the roof. He stated that the stair enclosures, the penthouses, rise nine feet above the surface of the roof, five feet, six inches above the parapet wall. He stated that the air conditioner units sit below the parapet wall and are typical residential condensers, not commercial units. He stated that the elevator override is also below the parapet wall.

Ms. Czerniak confirmed that no variances are requested for the building noting that the highest element, the penthouses, are below the allowable height. She clarified that the penthouses enclose the stairways, and they are not spaces for parties or other gatherings.

Commissioner Levitsky stated appreciation for the work the petitioner did to respond to the Commission's requests at the last meeting. He asked the petitioner to explain how the changes made to the building since the last meeting benefit the neighbors in terms of lighting and noise.

In response, Mr. Witmer stated that the changes made to the north elevation with the addition of a front door, allow the building to fit better into the streetscape. He noted that in addition to being adjacent to single family homes, the surroundings of the third condominium building include library, other condominium buildings and the church. He stated that with respect to light impacts to the neighboring homes, 18 windows were eliminated on the east side of the building and the east and west facing windows in the penthouse were removed. He explained that by eliminating the stone details that contrasted with the brick, the building will recede into the background minimizing its visual impact on the streetscape. He pointed out that if the building was white and bright, it would be more prominent.

Commissioner Levitsky asked about the setback of the condominium building in comparison to the residential homes in the area.

In response, Mr. Witmer noted that a matrix detailing the average setbacks of homes along the streetscape was presented at the last meeting. He stated that the proposed building is consistent with the average setbacks of the homes to which it is visually connected. He stated that he also studied the spacing between structures in the area and determined that the proposed building is compatible in that way as well.

Commissioner Gibson thanked the petitioner for eliminating the screen porch on the north elevation. She asked if the door on the north elevation is operable. She asked if floorplans for the building have been submitted. She stated that it may be difficult to plow or shovel the crushed stone sidewalk that extends from the door on the north elevation to the alley to the west. She asked whether, given the formal appearance of the building, the petitioner would consider an alternate material for the walkway.

In response, Mr. Witmer confirmed that the door on the north elevation is operable and provides access into the first floor unit. He stated that the units can also be accessed through the lobby off of the street on the west side. He stated that the interior of each unit will be custom designed so interior floor plans have not yet been submitted. He stated that crushed stone is proposed for the walkway to reduce the impervious surface on the site adding that alternative materials for the walkway can be considered.

Commissioner Gibson asked if the petitioner has worked out the brick coursing for the soldier courses. She asked if the petitioner would normally submit detailed drawings to the City. She asked the petitioner to clarify the windows that were eliminated on the east elevation.

In response, Mr. Witmer stated that the brick coursing will match the soldier courses on the existing buildings. He explained that the lintels above the windows are not the size of a standard brick and will need to be sliced slightly. He confirmed that construction plans will be submitted for permit and will detail how the building will be constructed. He stated that six windows were removed from the penthouses on the east elevation and 12 windows were eliminated on the first and second floors.

Commissioner Gibson stated that the first standard speaks to building height, a concern expressed by many. She explained that it appears that the height to the parapet wall is 31 feet and 7 inches from the base of the building, adding that the parapet wall is another 5 feet and 6 inches tall. She asked if the penthouse is included in the building height.

In response to questions from Commissioner Gibson, Ms. Czerniak confirmed that the penthouse is included in the height of the building as detailed in the staff report and as shown on the building section included in the Commission's packet. She explained that the height of the roof deck, as calculated from the adjacent point of lowest grade, is 24 feet and 6 inches. She stated that the height at the top of the

parapet wall above the roof deck is 28 feet. She stated that the purpose of the parapet is to fully screen the mechanicals. She noted that the top of the stair enclosure is 33 feet and 6 inches.

Commissioner Lamontagne asked if the allowable height is 35 feet.

In response, Ms. Czerniak confirmed that the allowable height is 35 feet.

Commissioner Gibson stated that the Westminster streetscape image shows the height at 31 feet and 7 inches tall, and not at 24 feet and 6 inches.

In response to comments from Commissioner Gibson, Mr. Witmer explained that the building height as measured to the roof deck is 24 feet and 6 inches, and with the parapet wall the building height is 28 feet tall.

Commissioner Gibson stated that she understands that the Condominium Homeowners' Association is not under the purview of the Commission but asked if the third building will have the same Association as the first two buildings. Westminster.

In response, Mr. Witmer stated that each condominium building has its own Owners' Association. He noted that there is an agreement between the Associations that addresses road maintenance and snowplowing.

Commissioner Gibson asked about the scale and massing noting that she thinks of dark buildings as big buildings and buildings of a lighter color as not as looming and large. She stated that she understands that it is difficult to convey the appearance of a building on paper when dark brick is used and the building appears looming. She asked if using a lighter brick would make the building look smaller.

In response, Mr. Witmer stated that the brick selection makes sense because it matches the brick on the other two condominium buildings. He stated that in his opinion, a white picket fence appears more solid than a black wrought iron fence.

Commissioner Gibson asked about how the third building will be addressed.

In response, Mr. Witmer stated that the third building is addressed as 715 McKinley Road. He stated that the City assigns addresses. He acknowledged that the Fire Department may require an address at each street entrance. He stated that signage will reflect the addresses of each building.

Commissioner Gibson stated that the drawings do not show the cornices in stone with the exception of the west elevation. She noted that she understands that the stone cornice was taken off the east elevation.

In response, Mr. Witmer explained that the stone cornice was removed from the east

elevation, to better relate to the adjacent to the neighbors. He stated that the stone cornice is retained on the east elevation to relate to the two earlier condominium buildings.

Commissioner Lamontagne thanked the petitioner for considering all of the comments that the Commission offered during the last meeting. He stated that he is focused on Standards 10 and 11 and how the building fits in to the Westminster streetscape. He asked if any sightline studies were prepared from the sidewalk on Westminster.

In response, Mr. Witmer showed a rendering that depicts the sightline of the building and rooftop from the north side of Westminster.

Commissioner Lamontagne stated that based on the rendering, the view of penthouse is limited. He noted that the penthouse is setback 24 feet from the north elevation. He stated that the roof plan shows the penthouses as 13 feet by 18 feet, which serves the purpose for getting up the stairs and getting out onto the patio. He asked if the petitioner would consider, particularly with the front penthouse, reducing the size to 13 feet by 8 feet, and in doing so, push it back another five feet from the Westminster streetscape.

In response, Mr. Witmer agreed to consider reducing the size of the penthouse.

Commissioner Lamontagne recognized the efforts made to make the building feel more residential; dropping it down in terms of human scale and being sensitive to the neighboring properties. He stated that reducing the size of the penthouse might be something else to consider. He stated that he is shocked that the petitioner was able to eliminate 18 windows from the east elevation recognizing that eliminating windows is tough from a developer's perspective because it reduces light into the units. He commented on the height of the stone header on the north elevation noting that on the west elevation, particularly at the south end, the stone is dropped down to the cap of the windows. He stated the lower stone serves to keep your eye down to a more human scale. He acknowledged that having the stone heads on the north elevation at different heights adds some visual interest. He asked the petitioner to consider dropping the stone on the north elevation.

In response, Mr. Witmer explained that the placement of the stone heads on the north elevation is part of the building language found on the other two condominium buildings. He noted that the corners step down and the stone wraps around the building and serves as a cap to the windows. He explained that if the stone head was lowered on the north elevation, the proportion and scale might look peculiar and noted that from a compositional standpoint, the current location of the stone band seems appropriate. He stated however that he is willing to study that detail further.

Commissioner Lamontagne suggested lowering the stone head at the light sconces

on the second floor to achieve a more residential feel. He suggested that an alternative to the light sconces on the second floor be considered to be sensitive to the neighbors across the street. He asked if the petitioner would consider installing mature landscaping at the entrance for the benefit of the neighbors.

In response, Mr. Witmer agreed to consider alternatives to the sconces on the second floor. He stated that the trees that were installed for the two earlier buildings were the largest size trees available and noted mature looking landscaping is important to the residents of the condominium buildings as well as to the neighbors. He stated that the landscaping for the third building will be similar to the landscaping installed in the earlier phases.

Commissioner Sperry asked if there are patios on the first and second levels on the front façade. She noted that there are grills, umbrellas, and lawn furniture on the patios of the first two buildings. She asked if residents would be permitted to put grills and furniture on the rooftop of the building. She stated that furniture on the roof has an urban feel and asked if the green space on the site could be used as a community space where residents could put their grills and furniture as opposed to on the individual patios, balconies or on the roof.

In response, Mr. Witmer stated that on the first level there are patios on either side of the front entrance. He explained that there will be landscaping to hide the patios on the first floor. He stated that the units on the second level will have roof top space. He stated that grills could be prohibited on the roof. He noted that the residents of 333 E. Westminster building, the existing condominium building, have furniture on their patios. He stated that a pair of chairs and planters on a patio is a visual enhancement. He explained that the balcony on the north elevation is very narrow and reiterated that the outdoor space for the second floor units is on the roof. He stated that residents will be able to use both their individual outdoor space and the community green space. He explained that given the size and price of the units, buyers are looking for private outdoor space, just like a backyard.

Commissioner Sperry stated that there are tall trees on the roofs of the two earlier buildings making them look like four or five story buildings. She asked if vegetation will be permitted on the roof of the third building.

In response, Mr. Witmer stated that green roofs help with water retention and provide screening. He stated roof top plantings are an important part of the development.

Commissioner Sperry stated that the landscaping on the roof is the concern because of the height it adds to the building. She noted that when the building was originally presented to the Commission a year ago, the Commission's biggest concern was the three story building with a mansard roof. She stated that now the building is being presented as a two story building but in fact, the building has penthouses and there will be trees and other things on the roof increasing the scale

of the building. She stated that in reviewing the streetscape rendering looking to the south, the building is 31 feet and 7 inches tall but the penthouses are not reflected in the rendering. She noted that if the penthouses are 5 feet and 6 inches tall, the total height of the building, without trees, is 37 feet and 1 inch tall.

In response, Mr. Witmer clarified that the penthouses will be below 35 feet.

Commissioner Sperry asked about the height limit for the building.

In response, Mr. Witmer stated that the height limit is 35 feet.

Ms. Czerniak noted that a dimensioned roof section was provided by the petitioner in response to the Commission's request at the last meeting. She noted that the section shows the top of the stair enclosure, the penthouse, at 33 feet and 6 inches.

Commissioner Sperry asked if the height of the building includes the vegetation on the roof.

In response, Ms. Czerniak stated that the height does not include the height of vegetation on the roof.

Commissioner Sperry asked if the height of the building excludes the penthouse.

In response, Ms. Czerniak confirmed that the height of the building includes the penthouse.

Commissioner Sperry stated that she noticed that the door that was added on the north elevation is a different color than the two doors on the west elevation. She questioned why there is a different in color. She asked about the color of the windows.

In response, Mr. Witmer stated that all of the doors will be the same color. He noted that the color may appear different due to the sunlight in the rendering. He stated that the windows are black like the existing condominium buildings.

Commissioner Sperry stated that in the rendering, it appears that the grade of the site is elevated and asked for clarification on whether with the grade change, the height will be 36 feet.

In response, Mr. Witmer confirmed that the grade will be brought up about two to three feet at the back of the property.

Commissioner Petit stated appreciation that many of the concerns that she raised at the last meeting were raised. She asked about the purpose of the metal structure near the penthouse.

In response, Commissioner Petit, Mr. Witmer stated that the element is a trellis that provides shade.

Chairman Grieve complimented the refinements made to the façade to create the appearance of separate structure. He noted that the stone band at the center is at the same height as the band on the north and south portions of the building. He asked why the stone band was not lowered at the center.

In response, Mr. Witmer explained that the parapets at the corners are dropped down but at the center of the building, the roof is higher. He noted that the movement of the stone band creates interest along the elevation.

Hearing no further questions from the Commission, Chairman Grieve invited public testimony.

Regina Lind, 338 E. Westminster, noted that she approached Commissioner Levitsky when he was visiting the site and asked him to view the site from her porch. She noted that Mr. Witmer stated that 22 percent of the area surrounding the third condominium building is a residential neighborhood adding that she is part of that 22 percent. She stated that her home was constructed in 1907 by the Fitzgerald family, simple people who built a simple home. She stated that her husband is an architect and he spent eight years renovating their home, changing it from stucco to shingle and put in a great deal of effort doing the work himself adding that he did a very nice job. She stated that she spent a lot of money on the renovations. She stated that she understands how much time and money the developer have put into the project but stated that the neighbors have also put a lot of time and money into their homes and many have been in the neighborhood a long time and wants to make sure that the Commission understands that because it is very important. She stated that the perspective that Mr. Witmer presented shows the north elevation from the street but noted that the building may look very different from her porch and that is why she wanted the Commission to view the site from her porch.

Susan Athenson, President of the Lake Forest Preservation Foundation, 901 Summit Avenue, stated she is presenting the Foundation's opinion on the appropriateness of the proposed condominium building. She stated that the City's preservation ordinance specifically discusses the need for new construction to be visually compatible with properties, structures, sites, public ways, objects and places to which it is visually related. She stated that the Foundation understands that the project has been an emotional issue on all sides for many years and that the Commission's role is to review the facts of the project and evaluate the project based on the standards. She noted that the Foundation submitted comments in writing to the Commission earlier in the day that explained that the role of the Preservation Foundation is to protect the historic visual character of Lake Forest. She stated the hope that the petitioner will consider the comments as an effort, on the part of the Foundation, to maintain and enrich the community while achieving the desired results. She stated that the Foundation appreciates the willingness of the

petitioner to consider the Foundation's suggestions offered at the last meeting to address the issue of compatibility with the historic Westminster neighborhood. She stated that concerns remain with the proposed third condominium building. She stated concern about the building height noting that the petitioner states that the building is two stories however, with the addition of outdoor living space and 9 foot tall enclosed structures on the roof, the building will visually be three stories. She stated that as proposed, the building is incompatible with the two, and two and a half story single family homes nearby. She explained that the transition from a three story condominium building to the homes to the east begins with the two and a half story single family home at 351 E. Westminster. She stated that if the proposed condominium building has rooftop living space, it will disrupt the transition, impose on the neighbors' privacy, and change the character of this quiet residential block. She suggested that the petitioner reduce the height of the building by eliminating the third floor outdoor space or changing the style on the roof. She stated that with respect to scale and mass, Standard 10, the Foundation appreciates that the petitioner made several design modifications to reduce the appearance of mass. She explained however that the building is a solid, massive rectangular brick building that will dominate the smaller, lighter, more traditionally detailed residential homes on the block. She stated that the Foundation believes that the building as proposed will be visually incompatible with the historic single family homes and will alter the residential streetscape and character of the historic Westminster neighborhood. She suggested that the petitioner continue to work on mitigating the appearance of mass of the building. She stated that Standard 14 relates to the style and stated that the Foundation appreciates that the petitioner removed the screened porch and added an entry to the side of the building facing Westminster and acknowledges that the change makes the building more compatible with the homes on Westminster. She noted however that the building will be on Westminster, not on McKinley Road and should relate visually to the single family historic homes on Westminster. She explained that the proposed style of the building relates to the two existing condominium buildings on McKinley Road, but is incompatible with the residential streetscape and character of Westminster. She suggested that the style of the building could be further refined to include more compatible, delicate and traditional residential features found on the surrounding homes.

Reed Dailey, 385 Westminster, distributed images of views of the existing condominium buildings from his property in both the summer and winter. He stated that his property is directly adjacent to the proposed condominium building noting that building will be closer to his property than the existing buildings. He showed an image of the anticipated view of the proposed condominium building from his home including the penthouses. He stated that he is confused about the number of stories proposed. He stated that with the penthouse and trees on the roof, the proposed building is four stories tall and will be looming over his property. He stated that there are no other flat roofs with penthouses in the Historic District. He explained that there will be parties with lights, grills and music on the roof top overlooking his property. He stated that his house is 60 feet from the fence located on the property line. He stated that the condominium building is proposed at 15 feet away from the

fence and will be 75 feet away from his house. He stated that by eliminating windows along the east elevation of the building, the view of the building from his property will be a solid brick wall. He stated that his backyard is currently wet all the time and stated concern about drainage impacts to his backyard from the proposed construction. He stated that questions remain about what will be constructed in front of his property, on the 373 E. Westminster property. He noted that most homes in the neighborhood have pointed roofs and look like homes. He stated that the neighboring homes are in the Historic District and stated that the proposed condominium building does not fit in. He stated that a third floor is excessive for a building in the Historic District and stated that the building should be reduced in size and look more like the homes in the neighborhood.

Maggie Coleman, 461 Westminster, stated that she and her husband have lived in their home since 1998. She stated that her husband is the third generation of his family to call Lake Forest home adding that two of their four children are raising families and paying taxes in Lake Forest. She stated that her family is watching as the rules for thoughtful, appropriate development are being rewritten on the fly without regard for preservation ordinances or the Zoning Code which are meant to protect the character of Lake Forest. She stated that she has been writing City staff, Alderman, the Mayor, City Council members, the Lake Forest Preservation Foundation, friends and neighbors, since November 2019 when she was first notified of the proposed plans for the third phase of the development. She stated that her neighbors and dedicated preservationists have spent time, energy and resources in the effort to preserve the integrity of this transitional site. She stated her hope that a much, much smaller building would be built as the McKinley Development moved east. She explained that while the developer and the City refer to the two story design as a nod to transitioning to the residential neighborhood, the building has the same number of units as the previously proposed three story building and is now closer to the homes to the east. She stated that the two story design does not overcome the incompatibility of the project noting that the building mass and footprint have grown to proportions that make it entirely incompatible with the neighborhood to the east. She stated that the building is aesthetically part of the east side neighborhood, not the McKinley Road corridor. She stated that she has attended meetings on the development, toured the site with the developers and residents, and stated that she drives or walks by the existing development at least eight times a day. She stated that she understands that the City has endorsed a condominium building for the site, a narrow strip of land, but noted that a 27,000 square foot building with a 224 foot long east facade fronted by a seven foot tall stockade fence just 15 feet from the neighboring property, was not endorsed. She stated her opposition to this plan noting that those living along Westminster are doing their best to preserve the character of east Lake Forest by standing behind the City's existing ordinances and Zoning Code even as the City Council has countermanded them. She stated that the issue is the compatibility of the building with the East Lake Forest Historic District of single family houses. She stated that of the standards the Commission asked the petitioner to address at the last meeting, she feels just one has been fully addressed, Standard 11, the directional expression

of the front elevation. She explained that the overall design continues to be incompatible with the Commission's Standards when viewed from the east noting that it is a massively oversized institutional barracks of a building with nothing that speaks to the aesthetics of its single family neighbors. She stated that the size, massing and height are inappropriate for a building that claims to be a transition. She stated that the ratio of green space to the building and the surrounding impervious surfaces are not compatible with the houses and yards in the entire East Lake Forest District. She stated that the developer has failed to provide a plan for new construction on the remainder of the 373 E. Westminster property, leaving it a mystery. She stated that the 373 E. Westminster site is over a half an acre and suggested that maybe another condominium building is in the works. She said that neither the developer, nor the City are guaranteed a profit or tax revenue by permitting incompatible condominium development in the Historic District. She noted that the East Lake Forest Historic District is not the business district adding that the phase three property should relate to the east side, not the west side. She explained that the lack of consistent application of the standards impacts everyone who chooses to live in Lake Forest adding that no District will be protected. She stated that the mission of the Commission is to ensure that the building is appropriate and compatible contrary to the Chairman's position that the Commission cannot do anything to mitigate the size, height or building footprint. She stated that because the City Council over turned the Plan Commission's decision, the Commission is forced to be the arbiter in this matter. She stated that it is the Commission's responsibility to implement the standards to protect the community from a building that threatens the character of the neighborhood and District. She stated that there is a way to design a building that is appropriate to the site with less mass, a smaller footprint, residential rooflines and no third story living space. She stated that City holds individual homeowners to high standards and the condominium developers should be held to the same high standards. She stated that the neighbors are in agreement that the building is not compatible. She urged the Commission to deny the petitioners request based on the failure to meet standard of compatibility.

Tim Downey, 475 E. Westminster, stated that from the Commission's discussion, it appears that the building is being looked at closely but the location of the building in the Historic District is not being considered. He stated that the Commission's responsibility is to preserve historic buildings, gardens, streetscapes and the overall historic character of the community and to review projects that impact Landmark properties. He stated that the Commission must look at how the proposed building impacts the historic community. He stated that many concerns were raised about massing. He stated that the developer misrepresented the façade on the Westminster streetscape by not including the recessed portion of the building. He stated that the recessed portion of the building will be red brick and will be visible from the street. He stated that he colored in the façade to show how the building will appear from the street. He stated that in comparison to the houses along the street, the mass of the condominium building is a big, straight, vertical wall, 28 feet plus tall, red brick building. He stated that the building is overpowering noting that it does not have sloping roof lines and garages to reduce the appearance of mass.

He stated that people standing on the rooftop of the condominium building are 35 feet above the ground, looking down into the neighbors' second floor bedrooms and backyards. He pointed out that the second floor windows on the building are larger and higher than the windows on the neighboring homes. He explained that based on the information provided by the petitioner, the proposed condominium building is 77 feet wide, 130 percent wider than the home at 334 E. Westminster, 100 percent wider than the home at 338 E. Westminster, 15 percent wider than the home at 360 E. Westminster, and 45 percent wider than the home at 370 E. Westminster. He noted that the homes in the neighborhood appear less massive because they down step to garages and screen porches and have sloping roof lines. He stated that in his opinion, the proposed condominium building is in no way comparable to the massing of the neighboring homes. He stated that the proposed building does not fulfill the responsibility to preserve the historic streetscape, the historic character of the neighborhood adding that it impacts landmark homes. He noted that the condominium building has about a 12,000 to 13,000 square foot footprint and every one of the neighboring homes that are impacted by the condominium building could fit within that footprint. He stated that the mass of the overall building is going to overwhelm the neighboring historic properties. He presented the petitioner's rendering of the east side of the building and stated that elevation will be seen from Westminster. He stated that the neighbors, all year long, will look at the side of the giant brick building. He stated that in his opinion, there is no question that the building is not compatible with the historic neighborhood and is impacting landmark homes. He presented images of the neighboring homes and images of the existing condominium buildings. He stated that the staff report refers to the building as transitional and notes that the facades reflect a residential scale not dissimilar to some of the nearby single family homes. He stated that there is no relationship to the neighboring homes. He questioned how the building preserves the streetscape or the historic character of the neighborhood. He stated that the proposed building clearly impacts the nearby landmark historic properties. He stated that the staff report states that the building gives a nod to the homes to the east and north. He questioned how the proposed building responds to any of the neighboring homes. He stated that the proposed building dramatically impacts, in a negative way, the surrounding historic homes. He stated that the small details of the building being discussed do not matter in comparison to how the building fits within the neighborhood. He stated that in his opinion, the petition should be denied. He stated that he did not speak to the rooftop issues noting that his wife spoke to those adding that the idea of roof top space in this neighborhood is offensive to the community as a whole.

Bud Angelus, 403 Westminster, stated that he and his wife moved from Winnetka to Lake Forest six months ago and have always loved the character, architecture, ambience and walkability of the community. He stated that buying a house in Lake Forest was a big decision for his family. He stated that their real estate agent did not mention the proposed condominium development although he was aware of the development occurring on the Swift property. He stated that his family heard about condominium development a few weeks from the neighbors. He asked the

Commission to put themselves in his family and neighbors' place and realize the shock at finding out that a single family property is suddenly being rezoned to a multi-family property to allow a 26,000 square foot building. He stated that he is not opposed to development noting that in Winnetka the motto was "Progress without Change" and it was difficult for any project to get off the ground. He presented a photograph of the view of the first condominium building from his home. He stated that the third building will be ominously closer than the first building so his family will be staring at a large brick structure. He stated support for progress, but with compassion for how it affects the people nearby. He stated that as a direct neighbor, he is asking the Commission to preserve the neighborhood like their predecessors have done by applying the rules that have always applied. He added that different roof forms and building layouts could be considered to ease the transition. He applauded the work the petitioner is doing but said they need to keep searching for a better transition than a brick wall outside of his window.

Mike Lardino, 351 Westminster, (via telephone) thanked the neighbors, the petitioner and Commission for their work. He stated however that he not convinced that what is presented is positive progress. He stated that his home is a traditional Victorian home and a transitional home. He stated that his home is the first house beyond the condominium building, leading to the homes to the east. He stated that the proposed condominium building is two story only in name adding that the grade will be raised adding more height to the building. He stated that from his home, they will look up at their new neighbors in the condominium units 25 feet or less to the east of his home. He stated that the quality of life for his family will be negatively impacted. He explained that with the proposed development, his home will be boxed in by condominiums on all sides adding that the light, noise and impacts on privacy from the buildings will impact his quality of life as well as his property value. He expressed concern about drainage and asked what recourse the neighbors will have to address drainage impacts. He stated that his home was constructed in 1900, and as a 120 year old home, probably has foundation issues. He stated that his family has been in their home for about seven years and noted that there has been construction in the area for five of those years. He stated that his family cannot open the windows without dirt and dust impacts. He acknowledged that occasionally, the construction site is watered down and streets cleaned if he speaks up. He explained that as one of the homes that is most negatively impacted by the proposed construction, he finds it interesting that no one has considered the views or impacts on his family. He noted that some of the petitioner's drawings do not show his house and questioned the reason for that and whether it was to avoid showing the relationship between the massing of his tiny home and the condominium building. He stated that as a resident and a taxpaying family he wants to make his family's voice heard.

Todd Curry, 360 Westminster, stated that he was resigned to the inevitability of the condominium project after having long criticized the project for the City's involvement in it. He noted that he has not criticized Mr. Witmer who routinely delivers quality architect and has been patient through the process, nor Mr.

Altounian who has done a phenomenal job with the construction. He stated that he and his neighbors have no idea what the economic returns to the City are for this project. He said that because the building will be in the Historic District, he asked, at the last City Council meeting, if the Historic District is the soul of our town, what is the price for the soul of our town? He stated that his question has never been answered. He noted the inquiries about whether there will be umbrellas and grills on the roof top in the Historic District, across the street from his 145 year old home. He stated that he believes Mr. Witmer and his team are capable of building a great building on this site adding that he is resigned to the fact that he will have neighbors on this site and there is nothing he can do to change that. He noted however that having a party deck across from his master bedroom in his 145 year old house is not acceptable. He stated that approval of umbrellas and grills on the property should prompt the Commissioner's resignations.

Sally Downey, 475 Westminster, stated that prior to last month's meeting, she attended the Commission's walking tour but noted that the Commission walked only within the development boundaries. She noted that she asked a question about what was on the rooftops and she was told mechanicals and an elevator. She explained that later, from Western Avenue, she saw patio furniture and a large metal structure on the roof tops of the first and second buildings and realized there was living space on the roof. She presented an image of the roof top of the first condominium building. She stated that from the ground, she observed the industrial style metal trellises from almost every street. She presented images taken from the Church on the corner of McKinley Road and Deerpath and from the Library. She stated that the umbrellas on the roof top are visible from the Library. She noted that the view is not as clear with leaves on the trees but noted that the view will be clear October through March. She stated that she heard neighbors talk about hearing music and people's voices projecting from the roof top last Thanksgiving, at night. She noted that the neighbors were not aware that there was living space on the roof. She noted that the developers call the structures on the roof penthouses to accommodate stairs, however, she noted that with the windows and doors on the structures, they appear to be more of a room, livable space. She noted that in the dead of winter the rooftop space may not be an issue, but in the fall, spring and summer, outdoor space is a premium. She presented more images of the rooftops of the existing condominium buildings from various viewpoints. She noted that one of the images shows a fence of varying heights and an umbrella on the rooftop of the first condominium building. She added that the metal structure and patio furniture on the rooftops is visible from the residential neighborhood to the east. She stated that the second condominium building has only one owner on the third floor who has sole access to the fourth floor, or as the developer calls it, the penthouse space for stair access. She stated that besides several seating areas, that owner has a multi-hole putting green and a fire pit on the rooftop. She stated that inside the so-called staircase enclosure is a kitchen adding that she is uncertain what else may be in the space. She stated that 50 percent of the rooftop space on the second condominium building remains for the owner to build out. She stated that the third building is proposed to have more penthouses than the first two buildings. She

stated that with a 27,000 square foot building, the developer can certainly make the argument for three penthouses for four or more users. She noted however that the proposed building is in an historic residential neighborhood where there are no other buildings with roof top spaces adding that homeowners would not be allowed to use roof top space. She stated that the building is proposed 15 feet away from the neighbor's fenced yard adding that noise and light will impact the immediate neighbors. She stated that no matter how much the penthouses are set back, anyone living across the street, to the east or driving on Westminster, will see lights, hear voices and music, perhaps see outdoor TV screens and have a nice view of movements. She stated that given the height of the third building, even the residents of the existing condominium buildings will be negatively impacted by the roof top. She questioned whether the penthouses are only for light and to enclose the stairs or for living space noting that conflicting information has been provided. She asked what description should be trusted; the developer's, the City's, or the photo proof showing active space all over the two existing condominium roofs and the kitchen that is in the penthouse on the second building. She expressed concern that after construction, an owner might sneak in additional windows and doors. She stated that besides the first two condominium buildings that look out on historic Market Square, there are no other buildings that she knows of that have roof top entertainment space in the entire City. She stated that adding a third condominium building with entertainment space on the roof, in the historic neighborhood is unfathomable. She stated that the neighbors are 100 percent in agreement that there should be no rooftop space. She strongly urged the Commission to apply the standards and consider compatibility and to place weight on the opinions of those who are impacted the most, the neighbors who have chosen to invest and live in appropriately scaled homes in the single family neighborhood. She reiterated that the building is proposed in a historic residential district and stated that the neither the proposed building design, nor the use of the roof fit in with the neighborhood. She stated that the neighborhood is not Wrigleyville adding that the phase three building should not be used as someone's private version of the Cubby Bear.

Jeff Torosian, 401 E Westminster, stated that he agrees with comments made by his neighbors. He thanked all of the neighbors for their involvement in this petition adding that the community involvement makes projects the best they can be. He stated that prior to this project, he did not know his neighbors but have since become friends adding that he is impressed by their commitment to the town and preservation. He explained that Mr. Lardino is out of town on a family matter and called in to the meeting because he cares. He noted that over a thousand people signed a petition objecting to the project, an outrageously high number probably exceeding any other petition presented to the Commission. He stated that he does not need to thank the developers because this is a for profit enterprise for them. He thanked the Commission because they are volunteers adding that they are the last barrier for this project. He stated that the Commission is what makes Lake Forest different than every other town. He stated that from the images presented by Ms. Downey, there is a fire pit on the roof of the first condominium and noted that he assumes that there will be fire pits on each of the three rooftop decks that are being

proposed on the third building. He speculated that in the winter months, bonfires on the roof tops will be visible from Market Square, one of the most historic parcels of land in the Country and expressed concern that roof top decks could appear elsewhere. He stated concern about the precedent of allowing this type of use. He stated that there is precedential value to the Commission's rulings in two ways; one, if the Commission's rulings are challenged in court, the court could note that the Commission approved a previous petition with a rooftop deck and denying a later petition, with the same factors, could be determined to be arbitrary and capricious. He stated that the second way the Commission' decisions have precedential value is the fluidity of compatibility. He explained that ten years from now, if a condominium is proposed on the remainder of the 373 E. Westminster property the Commission will judge compatibility based on the building that is now proposed. He cautioned that the process could lead to 30 condominiums built on Lake Road. He stated that is precedential effect. He stated that there is no rooftop living space that fronts the street or otherwise in the entirety of the East Lake Forest Historic District. He noted that it is not just the neighbors that are objecting to the petition, it is the whole town because of the concern that if this is approved, Scott Street could be all condominiums with rooftop decks, McKinley Road, all the way down to Woodland Road, could be condominiums with rooftop decks, the parking lot just to the west of Market Square could be a big condominium building with rooftop decks peering down over some of the most historic buildings in this town. He added that Green Bay Road could be condominiums noting that there is a park at the corner of Deerpath and Green Bay Road, and the City might need the money and seek to develop it. He noted that in Highland Park, there are condominium buildings all along Green Bay Road. He stated that despite the condominium units, he cannot remember the last time he went to dinner in Highland Park. He stated that the City keeps saying that condominiums will bring in more restaurants but it has not worked out in Highland Park. He explained that the community is incensed because of the precedent and the potential for development of other properties. He stated that the neighbors are also fearful of retribution noting that the community engagement is what makes this town great. He stated that there have been instances of retribution for comments people have made at some of the meetings, and it is not right. He stated that offering public comments is the most fundamental act of what being American is, he is standing in front of a government body speaking truth to power. He stated that he should be allowed to speak without retribution or fear of retribution.

James Shearron, 66 Atteridge Road, stated that he is speaking to support his friends because all he has heard for weeks and months is financial pain, emotional pain and anger. He stated that the proposed building does not belong in the neighborhood noting that it is massive, 224 feet long and 37 feet tall, and looks like a factory. He stated that there is discussion of a window here or a light there but noted that the proposed roof top space is outrageous because the residents will be people with month adding that there will be lights, trees, fires and pergola which will be seen from various perspectives not shown by the petitioner. He stated that the building does not belong in the Historic District, in the Westminster gateway. He

noted the many great houses along Deerpath and Westminster noting that is the core of the district. He stated that this will be the first time an apartment building is constructed that far to the east. He stated that he has pictures showing how easy it would be to develop a design that maybe would not fit the developer's business model of square footage, but would work on the site. He noted that units in Crystal Point have eight and a half foot ceilings or nine foot ceiling and the proposed condominium building probably has ten foot ceilings. He stated that the building is two stories in name only. He suggested that townhouses could have ten foot ceilings on the first floor and eight foot ceilings on the second floor and space within the roofs. He stated that there are solutions that could look to Shaw's precedent. He presented images to the Commission of the type of development occurring in the UK, where the garden suburb was invented, easy, simple buildings with roofs, noting that the buildings could be natural stucco to complement the brick and limestone, and faced with red brick. He noted that there are houses all over town with stucco and red brick trim adding that following that theme, the building could provide an easy transition from the Lardino's home. He stated that there was already one crime on this site when the prior second empire brick coach house was torn down. He stated that the coach house was the only one of its kind in Lake Forest, in the Historic District adding that it was the home of a famous family, the Quinlans. He stated that the building had context because the main house still exists. He asked why the owner of the original house would not ask to make that home a condominium because no one will want to live there. He stated that the community does not need to do what the developer wants because the property is in the historic district and the City owns the property. He noted the extensive work done to homes in the neighborhood by the various residents never thinking they would be near a giant, 224 foot long factory, a red brick building with two over two black windows, an icon of the American factory. He stated that there are very few red brick homes in Lake Forest with black windows. He explained that there is a precedent, on Laurel Avenue noted that in the Kelmscott Park development, there are townhomes next to the neighboring single family homes. He questioned why there is not concern about how the gateway to the historic district, between Deerpath and Westminster, near the Library is treated. He stated concern that one day the church will want to become condominiums he caused that the change is starting and stated that the Commission has a chance to stop it. He stated that there is not one single thing about the building that is appropriate for the proposed location. He noted that many homes in the City recently sold and Le Colonial is coming to the City adding that the City is acting like it is broke and must sell the property and allow anything to be put on it. He commended the Commission for the work it does and asked the Commission to do the right thing to assure that the City gets what it wants, not what the developer wants.

The Commission took a brief recess.

Ms. Czerniak stated that the two remaining petitions on the agenda will be heard at a future special meeting due to the lengthy deliberations and testimony on the current item. She thanked the petitioners for their understanding.

Rommy Lopat, 410 Woodland Road, she encouraged the Commission to clarify the Code language to assure that in the future, a demolition is not considered without a replacement structure. She commended the neighbors for the well researched, passionate and incredibly on target comments. She stated that the neighbors have done the homework for the Commission and made it easy to deny the petition. She stated that the Commission heard from the Preservation Foundation that the petition should be denied based on Standards 1, 10 and 14. She stated agreement that the petition does not meet Standard 14 which requires compatibility with the historic houses to the east and Mr. Lardino's Victorian house to the west. She stated that the staff report noted that the proposed design gives a nod to existing development adding that a "nod" is not compatibility. She stated that in her opinion, the design does not resemble anything in the Historic District. She questioned why the third condominium building matches the first two when they are not in the historic district. She stated that the compatibility should be to the structures in the historic district. She explained that Standard 10 relates to scale adding that an "attempt" to relate to the scale of nearby buildings through the use of projecting and recessed elements that break up its mass as noted in the staff report is not enough. She explained that scale is not only one of the standards but also a stand-alone standard for a Certificate of Appropriateness, one of three; the standards, demolition criteria and building scale. She stated that in Section 155.08, gives the Commission the power to limit the maximum square footage if it finds the residence violates the City's Historic Preservation chapter. She stated that with respect to Standard 3, proportion of openings, one of the problems with the proposed building is the windows adding that windows are a problem in many of the structures that the Commission sees. She noted that as proposed, the building has black framed two over two windows that do not resemble anything nearby. She noted that a nearby historic homes has six over six and eight over eight windows. She stated that the building appears contemporary because of the windows but could appear much more vintage if the windows were changed out. She presented photographs of Georgian buildings to the Commission and suggested that they could be a model for a multi-family project noting that pediment on the front façade, parapet, six over six windows and appendages and is a classic. She stated that Standards 1 and 8, height and roof shapes, have been discussed. She stated that there should be no living space on the roof. She spoke to directional expression of the front elevation noting that the building is addressed on McKinley Road and is approached from the West off of McKinley Road. She stated that the address should remain on McKinley Road along with the driving approach. She stated that the garage should not be entered from Westminster. She stated that the Commission should discuss the relationship of the proposed building and the Library, the most iconic structure in Lake Forest. She stated that she hopes her comments are enough to move the Commission to deny the petition.

Hearing no further public testimony, Chairman Grieve offered the petitioner the opportunity to respond to public comment.

Mr. Witmer stated that he appreciates the opinions and thoughts that were voiced. He stated that many of the comments were consistent with the comments he took away from the last meeting which resulted in a better building. He recognized that there is a lot of emotion around the project and stated that he listens to all of the comments and uses them to make the building the best it can be. He added that his team has worked on this project a long time and believes that the project has improved. He stated that he looks forward to hearing the Commission's comments and moving this project forward.

Chairman Grieve invited comments from the Commission.

Commissioner Levitsky stated that the petition is very difficult noting that the petitioner has presented to the Commission four times and each time has responded to the Commission's requests. He added that at the same time, he continues to struggle with the height of the building. He also questioned how the proposed building is compatible with the neighboring homes.

Commissioner Gibson thanked everyone who spoke. She stated that in part, the Commission is the committee of aesthetics and looks at structures and how they fit into the historic character of our town. She noted that not only does the Commission have the standards, but also needs to listen to the community and the community has spoken loudly. She noted that the comments have not only come from a core group, but a large group, the largest she has seen with a petition signed by 1,500 people and she respects that. She stated that the Commission has heard about the ongoing impacts of construction. She stated that in her opinion, the penthouse and the third floor is a deal breaker because the building should be two stories. She stated that when the building was originally presented as a three story building, the Commission asked that it be reduced to two stories but now, there are penthouses and living space on the third floor as described by Ms. Downey. She stated that she had no idea there was a putting green or a fire pit on the roof. She stated that the Homeowners' Association could establish rules but noted that people are already probably hearing noises and music, and seeing grills and plants and furniture. She stated that Lake Forest is not an urban town. She stated that someone wants an urban environment, think of Chicago and living in a high rise. She noted that as done at Kelmscott Park, grills can be put in a common area and food can be taken back to the units. She stated in her opinion, the issues are around compatibility, Standard 14. She agreed that the building is two stories in name only and is really a three story building she noted this is important because of the need to protect the Historic District. She stated that this is not a commercial area or under the purview of the Building Review Board. She stated that she does not support anything other than a stairwell on the roof noting that at the last meeting, the developer stated that owners can have running water up to the penthouse for an icemaker, refrigerator or sink. She stated that is not right. She stated Westminster is a lovely entrance into the historic district so it is inappropriate for this building to be unneighborly. She commented on the soldier courses and noted that the headers, 63 of them, are bricks of either two over two, or two sets of

two over two or three. She stated that there are homes in the community with brick soldier courses and asked the petitioner to look at those homes because a plumb line is needed to avoid the course being off. She stated that in terms of this building, if it were to move forward, brick soldiering should be used and done right based on detailed drawings and with regular inspections. She noted that with respect to use of the roof top, she recalls a petition in which use of a roof top for tables and chairs was not permitted. She acknowledged that stairs are needed to get to the roof for maintenance however chairs, umbrellas and grills should not be permitted in the Historic District. She stated that in her opinion, more refinement and detailing of the building is needed. She stated that the building will impact the Edwin Hill Clark Library, the Howard Van Doren Shaw Church, and the historic houses east and north. She stated that the building will change the historic visual character of the area and that is what the Commission is charged with preserving. She stated that work should continue to reduce the massing and height noting that dropping the cornice line may be helpful to make the building appear shorter.

Commissioner Lamontagne noted that Mr. Torosian used the word community quite a bit and that resonated with him along with the neighbors coming out and expressing your opinions. He stated those comments are important to the Commission. He stated that there is a part of him that wants join them because he is also a member of the community. He noted however, that the Commission is charged with applying 17 standards and must do that in the context of decisions made by other bodies. He stated that it is difficult for the Commission to focus on whether the building is too high or too much for the site. He stated that no height variance is requested noting that what is proposed is a 28 foot building, with a penthouse that goes to 33 feet and 6 inches on in a District that allows a 35 foot tall building. He acknowledged that discussion around grills and umbrellas but noted that he finds it difficult to see the difference between whether or not someone is allowed to have that on the ground or whether they would be allowed to have that 25 feet in the air because everyone is allowed to have those types of social environments. He explained that in his own neighborhood, there was a very large party which had live music until 11:00 at night, 27 cars on the street, tents, grills, loud people talking, and they were allowed to that whether or not he, as a neighbor, was affected, he stated that is part of the community. He stated that he personally struggles with putting limitations on how people use their own space. He stated that when this request first came before the Commission, it was a three story building with mansard roofs and there was public outcry because it required a height variance. He stated that the developer bought additional property to help mitigate the height and today, a 28 foot building that is conforming to the height limitations is presented. He stated that the three and a half foot parapet wall around the edge of the roof will screen grills and umbrellas and there is still objections to the building height. He noted that there is nothing in the standards that speaks to the use of umbrellas and grills. He stated that everyone is entitled to their own opinion but he noted that he doubts that there will be pergolas, umbrellas, or fires on the roof in November. He stated that unfortunately, the standards are subject to interpretation noting that everyone probably has a different interpretation of "visually related"

noting that for the developers, visually related means taking into account the first two condominium buildings. He stated that he agrees that this building must be considered in the context of its location in the Historic District and the residences and people who are living next to it. He stated that based on hearing all of the public testimony, he agrees that the building must visually relate to the residences that are on Westminster. He stated that the building sits in a transitional zone, so the task is hard. He stated that he has not made up his mind in terms of how he will vote, but agreed with Commissioner Gibson's comments that great work has been done, but more work is needed because we all have to live together with this as a community in terms of whatever decisions are made.

Commissioner Petit stated that the building height is a concern noting that at 33.5 feet with the grade change, the building will tower over the other structures. She stated that the roof shape is also a concern noting that by matching the existing condominium buildings, the third building relates to the McKinley streetscape rather than the beautiful structures on Westminster. She stated that the building needs more variation in its roof shape and along the facades and variation in the exterior materials adding that she does not want a big, red brick building. She stated that the building should relate to the neighborhood of which it is a part, not the McKinley streetscape. She stated that with respect to the rhythm of entrance porches, a lot was done to mitigate some of the problems identified at the last meeting but noted that further work is needed in that area. She stated that if the building had more of an appearance of townhomes that brought the size of the structure down, standard 10 could be addressed.

Commissioner Grinnell explained that her vote in support of the demolition was an effort to balance the possibility and potential of the 373 E. Westminster property and the condominium development. She stated that she realized that for a lot of reasons, the property would be better if the developer had an opportunity to build on it and fix some of the problems of the existing structure. She stated that her main concern with the proposed building is the height adding that she cannot accept a three story building which is being masquerading as a two story building. She noted that Mr. Witmer's drawings are very clean and clear, but as the roof tops on the first two buildings were developed, she found it disturbing. She added that she does not expect a Homeowners' Association to manage that aspect of the development. She acknowledged that her neighbors have outdoor events, but not every evening. She stated that the residents in the condominium buildings are going to be competing with each other to have the better roof top and that does not work in an historic area. She stated that when she interviewed for the position on the Commission she said that she understands the rights of developers and of neighbors. She said that she hopes that the petitioner has received some good feedback and that the economy keeps on going so the petitioner does not have to rush the project to market right now. She stated that there is plenty of demand for what the petitioner wants to do, it just needs to be the right thing that is sympathetic and empathetic to the neighbors, to the people who are going to live in the building and the adjacent buildings, as well as to the location in an historic neighborhood.

She stated that while she was supportive of the demolition, she is not supportive of the building as proposed particularly with the rooftop and penthouse.

Commissioner Sperry thanked the neighbors for attending noting that they have been an integral part of the community for years. She thanked the developers noting that as Mr. Torosian said, they are doing their job and have jumped through many hoops. She asked the Commissioners if the building in its present form came before the Commission initially, would they find that it meets Standard 1. She stated that the height of the building appears to be 33 feet high with the penthouse, plus three feet of grade which results in a 36 foot building which, in her opinion will appear gigantic in the residential community. She noted that the Commission has already discussed the length and the width of the property and its goliath-like proportions. She asked the Commission to keep this in mind. She stated that with respect to the scale and massing, she has heard 24,000 square feet, she has also heard 27,000 square feet, either way, Standard 10, the scale and massing is wildly disproportionate to the single family homes on either side, in front, behind and next to the proposed building adding that the standard is not met at all when the height and scale of the building is increased with trees, and umbrellas that will rise 40 feet in the air. She stated that the building is red brick with black windows which is in no way compatible, is completely dissimilar and does not provide a transition to the homes in the area. She added that the building is also not in any way, shape or form residential in scale. She noted that the petitioner has come before the Historic Preservation Commission twice before with this petition and before the Plan Commission twice, and was voted down. She stated questioned whether there is value in continuing the petition and suggested that the petition should be denied with direction to the petitioners to start from scratch. She acknowledged that the petitioner has done many reiterations but stated that the project is far off the mark adding her surprise that the Commission is even having this conversation.

Chairman Grieve stated that he will try to summarize his thoughts and would like to ask Mr. Witmer to at least address one issue that has come up repeatedly. He noted that while he is the Chairman, he does not have any unilateral authority or the ability to do things beyond his one vote and oversee the meeting process. He acknowledged that this is an emotional issue particularly when you own property nearby he noted however that sometimes people say things that could be seen as going a little bit over the line but do not mean ill will. He noted however that he sees it as his responsibility to address some of the comments. He stated that he heard a comment as it relates to retribution and clarified that in defense of his fellow Commissioners, they are all well-intentioned and are here to do the right thing based on the standards provided. He noted that as he stated in his comments at the start of the meeting, the Commission's goal is to move things forward while making them better. He stated that it bears repeating that other bodies have made decisions in terms of how the site will be developed and how big the building can be. He stated that what he keeps hearing consistently and is not arguing with the compassion or the feeling, but in terms of massing, the Commission and the Commission cannot mandate the petitioner to make the building smaller. He noted

that what is in the Commission's control is the allowable height and the setbacks, and whether a variance is requested which is not the case here. He stated when a variance is requested, the Commission must think long and hard. He added that what he is hearing is that it is difficult for the Commissioners because ultimately a smaller footprint is desired. He explained that there is not a standard that says, if the Commission does not like the square footage that is allowed, the petitioner can be told to make the building smaller. He stated that he is always very respectful of the petitioners that come before the Commission and what they are trying to accomplish and he stated that he believes that it has been Mr. Witmer's and his team's intention from day one to do good things and respect all the comments offered. He added that the Commission's goal is to consistently be good listeners to everyone, including the petitioner, and provide clear counsel as to what might be helpful to move the project in a better direction. He added that he has to say that during the last meeting, the Commission said that they believed there is a workable solution and provided specific direction to the petitioner. He stated that when he looked at the revised plans, his immediate reaction was that he thought Mr. Witmer did a wonderful job responding. He stated that at least within the constraints and all of the comments that have been made, he saw the latest revision as making huge strides. He stated that at this meeting, he has heard some comments related to aspects of the project that not related to the items raised in the past. He expressed concern that continuing the petition will not likely result in moving the project forward. He asked the Commissioners to consider whether continuing the petition is of value understanding that they cannot ask the petitioner to go beyond what is allowed by the Code. He stated that expecting the petitioner to come forward with revisions that reduce the height well below the permitted height is not realistic. He stated that he does not think it is fair to request the petitioner to continue to make changes if the Commission does not see a path to approval. He recalled that in an earlier version of the plans, the building was design to appear as separate townhomes and that was rejected and direction was provided to align the building more closely with the first two condominiums. He stated that again, he thinks it is a compliment to Mr. Witmer that the current design is much improved. He noted that red brick on anything, even a building half the size, never looks good in a rendering because it does not show shadowing or detail. He stated that based on the public comment, any two story structure at 20,000 or 24,000 square feet, even with a pitched roof, is going to be considered too tall. He stated that before he asks for a motion, it would be helpful to get clarification, because there was much discussion about umbrellas and other elements, and asked Mr. Witmer for any thoughts that he would has related to...

Commissioner Sperry stated that the petitioner cannot be brought back to answer further questions and stated that Chairman Grieve is out of order.

Ms. Czerniak clarified that the petitioner can be asked further questions at the Chairman's discretion.

Chairman Grieve stated that he just wanted to get clarification.

Commissioner Sperry stated that the Commission has clarity.

A resident, Sally Downey, interrupted stating that for the Chairman to ask the petitioner to come forward in response to further questions is in conflict with the meeting procedures. She stated that if the petitioner is allowed to speak further, the public must also have the opportunity to speak.

Ms. Czerniak stated that the Chairman has the discretion to modify the meeting procedures or ask for clarification.

Commissioner Lamontagne stated that he believes where Chairman Grieve was heading was coming back to the Commissioners in terms of how they felt if they could move the project forward.

Chairman Grieve asked for any further thoughts or deliberations.

Commissioner Gibson stated that the penthouse and the whole third floor is a deal breaker for her. She stated that there are no roof top spaces on the condominiums near the Deer Path Inn. She stated that the proposed building makes the area much more urban feeling. She acknowledged that the building as proposed is under the height limitation but noted that because of the massing and the roof shape, the building appears tall. She stated that the massive brick may be too much. She stated that in her opinion, the points she has raised could be discussed and worked out. She noted that the building is big and she is focused on standards 14, 7 and 1 and the brick work which speaks to materials and texture.

Commissioner Lamontagne agreed with Commissioner Gibson on the standards that could use more focus. He added that given the public outcry further clarification and discussion on the rooftop usage would also be helpful. He stated that further consideration could be given to the red brick and whether there are additional ways to break up the mass of the 224 foot long facade and create a bit more human scale on the Westminster side. He stated that the building is conforming from a height perspective but added that he believes there are some modifications from a roof shape perspective that could make the building feel a bit more residential and visually related to the neighboring residential properties.

Commissioner Sperry asked how many opportunities the Commission should offer the petitioner to modify the proposal. She noted that the changes made to date are minute and do not address the major issue of scale. She stated that in her opinion, the building looks like a factory and is not compatible with the surrounding structures whether it is 33, 36 or 41 feet tall. She stated that the proposed vegetation is irrelevant given the height of the building. She stated that the Commissioners have listed many aspects of the project that are not compatible. She stated that she does not know how the Commission is going to continue and questioned at what point does the Commission say, please come up with another design that is more

compatible and kinder to the community. She explained that she is very concerned that this project is setting a precedent for additional multifamily, completely urban-like structures. She stated that the Commission needs to be extraordinarily sensitive to that impact. She explained that when she was given the opportunity to be a Commissioner, she was told that she was appointed to safeguard and protect the historic visual character of the community.

Ms. Czerniak stated that she believes it is appropriate, given the lengthy discussions on the petition to date, that the Commission vote on the petition rather than continue it, in fairness to the Commissioners, the petitioners, and the residents. She explained that at the last meeting, Chairman Grieve asked the Commission to continue the petition only if clear direction could be given to the petitioner to address the areas of concern. She stated that the petitioner, to their credit, responded to the direction provided by the Commission at the last meeting. She stated that a vote at this time is appropriate to allow the petitioner to determine how to proceed.

Chairman Grieve invited a motion.

Commissioner Sperry made a motion to deny the petition as submitted on McKinley Road, final phase three, 715 McKinley Road, based on findings stated in 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. She asked for a second.

The motion was seconded by Commissioner Gibson.

The Commission voted 6 to 1 to approve the motion denying the petition with Commissioner LaMontagne voting in opposition to the motion.

Chairman Grieve said that he would like to explain his vote noting that in his opinion, the Commission did not provide clear enough direction to continue the petition and to allow the petitioner to make further refinements in an effort to satisfy the Commission's concerns. He expressed concern about continuing the petition over and over again. He stated that in his opinion, the petitioner has aptly and creatively addressed the points that the Commission raised at the last meeting. He explained that he wants to be fair to the petitioner....

A member of the audience interrupted the Chairman.

Commissioner Sperry stated that the Chairman was out of order and asked that he not comment further.

Ms. Czerniak confirmed that it is appropriate for members of the Commission to explain their vote if desired particularly if it differs from their earlier comments.

Chairman Grieve asked if there were any other items for Commission discussion. Hearing none, he moved to the next agenda item.

4. Consideration of a request for approval of a Certificate of Appropriateness for 335 Robinson Drive.

Property Owners: Doug and Maggie Reynolds

Project Representative: Doug Reynolds

This agenda item was postponed due to the lateness of the hour.

5. Consideration of a request for approval of a Certificate of Appropriateness for 901 Spring Lane

Property Owners: Natalie and Justin Hagstrom

Project Representative: Scott Streightiff

This agenda item was postponed due to the lateness of the hour.

OTHER ITEMS

5. Opportunity for the public to address the Historic Preservation Commission on non-agenda items.

No testimony on non-agenda items was presented to the Commission.

6. Additional information from staff.

No additional information was provided by staff.

The meeting was adjourned at 10:31 p.m.

Respectfully submitted,

Jennifer Baehr
Assistant Planner