

**The City of Lake Forest
Plan Commission
Proceedings of the March 15, 2018 Meeting**

A meeting of the Lake Forest Plan Commission was held on Thursday, March 15, 2018, at 6:30 p.m., at City Hall, 220 E. Deerpath, Lake Forest, Illinois.

Commission members present: Chairman Ley and Commissioners Louis Pickus, Rosemary Kehr and Tim Henry

Commissioners absent: Michael Freeman, Monica Ruggles and Guy Berg

Staff present: Catherine Czerniak, Director of Community Development and Robert Pickrell, City Attorney

Chairman Ley opened the meeting at 6:10 p.m. and asked for a motion to go into Executive Session pursuant to 5ILCS 120/2 (c)(11) to discuss matters relating to threatened litigation.

The motion was seconded by Commissioner Pickus and approved by a 4 to 0 vote.

The Commission adjourned into Executive Session.

The Commission reconvened into Open Session at 6:30 p.m.

Chairman Ley introduced the members of the Commission and staff and reviewed the meeting procedures followed by the Commission. He noted that just prior to the meeting, the Commission held an Executive Session to discuss threatened litigation. He stated that no action was taken during the closed session.

1. Consideration of the minutes of the January 10, 2018 meeting.

The minutes of the January 10, 2018 meeting were approved with one change as requested by Chairman Ley.

2. Public Hearing and Action: Consideration of a request for tentative and final approval of a Plat of Condominium for a previously approved development. The property is located on the east side of McKinley Road, north of Deerpath and is addressed as 723-727 McKinley Road.

Property Owner: McKinley Development LLC (Todd Altounian 45%, Peter Witmer 45%, Jim Altounian 5% and Jerry Jacks 5%)

Representative: Peter Witmer, architect

Chairman Ley asked the Commission for any conflicts of interest or Ex Parte contacts, hearing none; he swore in all those intending to speak. He invited a presentation from the petitioner.

Mr. Witmer requested Commission approval of the Plat of Condominium for the first phase of the McKinley Road Redevelopment project. He noted that the building is under construction as previously approved. He stated that future phases of the project, additional buildings, will be presented for Commission review at future meetings. He stated that the Plat of Condominium is consistent with the previous approval granted and will establish the limits of the areas of individual ownership and the common areas.

Ms. Czerniak stated that approval of a plat of condominium is a procedural matter which is required to allow the units in a previously approved condominium development to be sold. She noted that the plat delineates the configuration of each floor and identifies the individual residential units, common areas and limited common areas. She explained that in the garage level, the overall garage is a common area but individual parking spaces are identified as limited common elements associated with specific units. She stated that sales of several units are pending. She noted that the staff report includes findings in support of a recommendation approving the tentative and final Plat of Condominium.

Chairman Ley invited public comments. Hearing none, he invited final comments from staff or the Commission.

Ms. Czerniak noted for the record that an email received from a neighboring property owner was submitted and distributed to the Commission. She noted that the letter speaks to the later phases of the development which are not under consideration at this time.

Hearing no questions or comments from the Commission, Chairman Ley invited a motion.

Commissioner Henry made a motion to recommend tentative and final approval of the Plat of Condominium for property located at 723/727 McKinley Road subject to the following conditions of approval.

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

Commissioner Pickus seconded the motion and the motion was approved by a 4 to 0 vote.

3. Public Hearing and Action: Continued consideration of a request for approval of an amendment to the Special Use Permit which approved the Oak Knoll Woodlands Subdivision to allow the earthen berm to remain as built, at a height taller than the height reflected on the approved development plans. The berm is located in the southeast corner of the Oak Knoll Woodlands Subdivision, west of the railroad tracks, east of Oak Knoll Drive and north of Abington Cambs Drive.

Property Owner: RREF II-SD Oak, LLC

Representative: Rick Swanson, R.M. Swanson Architects

Chairman Ley asked the Commission for any conflicts of interest or Ex Parte contacts, hearing none; he swore in all those intending to speak. He invited a presentation from the petitioner.

Mr. Swanson stated that the developers received the report submitted by the petitioners just two days ago. He stated that the developer wants the discussion to be productive and questioned whether receiving the materials only two days ago serves the process well. He stated that the objectors had more than enough time to present evidence, but the consultant's report was only submitted two days ago. He also noted that he is prepared to make a presentation, but noted that only four Commissioners are present requiring a unanimous vote. He suggested that it may not be in the best interest of the process to proceed at this time.

Chairman Ley stated that he would prefer to hear from all parties and come to some conclusion even though there are only four members of the Commission present.

In response to questions from Commissioner Pickus, Mr. Swanson confirmed that he is prepared to make a presentation, to get the dialogue going, but would like to reserve the right to ask for a continuance later in the proceedings if deemed appropriate.

Commissioner Pickus stated that rather than proceeding with presentations, the Commission should determine whether a continuance should be granted.

In response to questions from the Board, Mr. Swanson asked for a continuance noting that if the information from the objectors was received sooner, the developer would be prepared to proceed to a conclusion. He stated that the developer's team has not yet had a chance to react to the information recently received. He questioned the fairness of the process if the matter proceeds without additional time for review. He questioned whether the Commission or the City's consultant has had time to review the report that was recently submitted.

Chairman Ley stated that he does not know if the information provided on behalf of the neighbors will be sufficient or insufficient but stated that in his opinion, the

petition should be considered based on the material submitted to date and the experts on all sides should weigh in on the matter.

In response to comments from the Board, Ms. Czerniak offered that if the Commission chooses to continue consideration of the matter, it would be appropriate, if the Commission desires, to direct that any and all information to be considered be submitted to staff by the end of the day on Friday, March 23, 2018 to allow sufficient time for review prior to the next meeting.

In response to questions from Commissioner Kehr, Ms. Czerniak confirmed that she provided Dr. Thunder with a copy of the report shortly after it was received by the City. She stated that she believes that Dr. Thunder is prepared to comment on the report. She stated that she does not know whether the petitioner's consultant has had an opportunity to review the report.

Commissioner Henry stated that a continuance has been requested and the Commission must decide whether to grant it or not.

Commissioner Kehr expressed concern that the same situation will occur at the next meeting. She noted however that the petitioner has been patient with the process so far and is requesting a continuance that in her opinion, should be granted.

In response to comments from the Commission, Mr. Swanson noted that this the only time the developer has asked for a continuance. He noted that the developer has been prepared to proceed for several months. He stated that continuances have been granted to allow the neighbors the opportunity to gather information that they should have gathered a year ago and they are just now submitting. He asked that the matter be continued.

Hearing no further comments from the Board, Chairman Ley invited a motion.

Commissioner Pickus made a motion to continue the petition to the April 11, 2018 Plan Commission meeting with the requirement that any additional information to be considered by the City be provided to staff no later than Friday, March 23, 2018, by 4:30 pm.

The motion was seconded by Commissioner Henry.

Chairman Ley noted that the objectors' representative requested the opportunity to speak to the Commission.

Commissioner Pickus acknowledged that the Chairman has the discretion to conduct the meeting as he sees fit however, he noted that there is a motion pending and suggested that a vote proceed. He suggested that the objector's attorney could be offered the opportunity to speak after the vote.

Commissioner Henry cautioned against taking additional comment if the Commission votes to continue the matter.

Chairman Ley stated that he does not support the motion and will vote no for the same reason he voted no at the last meeting with respect to the continuance. He stated that his vote should not be viewed as prejudicial. He called for the vote.

The motion passed by a 3 to 1 vote.

Chairman Ley invited comments from the objector's attorney.

Mr. Stang, attorney for the objectors, confirmed that his clients submitted over 3,000 pages of data that was gathered representing over 100 hours in contrast to the two hours of data collected on behalf of the petitioner. He asked that the petitioners make their data available. He stated that the data was not intended to be part of the presentation, but instead, represented in a two page report and ten charts. He stated that the data was provided to offer everyone the opportunity to review it.

In response to questions from Chairman Ley, Mr. Stang confirmed that he will be prepared to present the objector's position at the next meeting. He noted that he provided staff with copies of various Code provisions and other information to support the objector's position.

Chairman Ley confirmed that the materials submitted were received by the Commission. He noted however that a statement clearly outlining the neighbor's position and desired outcome has not yet been submitted and encouraged that such a statement be submitted noting that it would be in his clients' best interest.

5. Additional public comment on non-agenda items

There was no testimony presented on non-agenda items.

6. Additional information from staff.

There was no additional information presented by staff.

The meeting was adjourned at 7:06 p.m.

Respectfully submitted,

Catherine Czerniak
Director of Community Development