

**The City of Lake Forest**  
**Plan Commission**  
**Proceedings of the December 12, 2018 Meeting**

A meeting of the Lake Forest Plan Commission was held on Wednesday, December 12, 2018, at 6:30 p.m., at City Hall, 220 E. Deerpath, Lake Forest, Illinois.

Commission members present: Chairman Kehr and Commissioners Michael Freeman, Monica Ruggles, Guy Berg, Remo Picchietti, Susan Athenson and Stephen Douglass

Commissioners absent: None

Staff present: Catherine Czerniak, Director of Community Development

**1. Introduction of Commissioners and staff and review of meeting procedures.**

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

**2. Consideration of the minutes of the August 8, 2018 Plan Commission meeting.**

The minutes of the August 8, 2018 Plan Commission meeting were approved as submitted.

**3. Recognition of Past Plan Commissioner Tim Henry.**

Chairman Kehr recognized past Plan Commissioner Tim Henry for his service to the community. She reviewed a list of petitions that were considered by the Commission during his time of service. She presented him with a plaque in appreciation for his contribution.

Mr. Henry thanked his fellow Commissioners for their service and stated his appreciation for the opportunity to serve the community.

Chairman Kehr introduced Stephen Douglass, the newly appointed Commissioner.

**4. Public Hearing and Action: Consideration of a request for a Special Use Permit to authorize Kuro, a full service sushi restaurant and bar, to occupy space in an existing building at 950 N. Western Avenue, commonly known as Westwood Square. The property is located within 150 feet of property zoned for residential use.**

Property Owner: Westwood Center LLC (Todd Altounian 25%, Nicole Altounian 25%, Jennifer Bianchi 25%, James Altounian II 25%)

Tenant: Kuro LLC (Jo, Nami and Naomi Choi)

Presented by: Peter Witmer, architect

Chairman Kehr asked the Commission to declare any conflicts of interest or Ex Parte contacts. Hearing none, she swore in all those intending to speak and invited a presentation from the petitioner.

Mr. Witmer noted that the restaurant is proposed in the space most recently occupied by the Westwood Bistro and before that, Burger King. He stated that the new restaurant will have close to the same floor plan, use the same kitchen equipment and mechanicals, and use the same trash enclosure as was previously used by Westwood Bistro. He stated that the Altounian family recently purchased the Westwood Square development and is working to address maintenance issues that were not addressed by the past owners. He stated that now that the development is locally owned, tenant and neighbor issues can be addressed promptly. He stated that the owners of the proposed Sushi restaurant are experienced restaurant operators who have another location in Highland Park. He stated that they feel that this is a great location for another restaurant. He reviewed the site plan noting the outdoor patio space. He stated that the restaurant will be open seven days a week and will serve lunch and dinner Monday through Saturday, and dinner on Sunday. He stated that the conditions and limitations that were put in place for Westwood Bistro will be followed. He stated that deliveries and trash pickup will occur at appropriate hours. He added that employees will park in the remote parking lot, east of the railroad tracks, to reserve the onsite parking spaces for customers. He stated that he is excited about having another restaurant option in the Central Business District.

Ms. Czerniak explained that this petition is before the Commission because a restaurant is proposed within 150 feet of property zoned for residential use. She noted that restaurants that are not located within 150 feet of property zoned for residential use are permitted outright in the B-2 business district, no Special Use Permit is required. She stated that this location has been the site of a restaurant for many decades, initially, Burger King and more recently, Westwood Bistro. She acknowledged that the prior owner of the Westwood Square development failed to properly maintain and operate the building and overall site causing issues for both tenants and the community. She stated that with the new ownership, there is an opportunity to revitalize the property to meet the needs of residents in the new development at Western and Laurel Avenues and residents in other multi-family buildings and nearby single family residential neighborhoods. She stated that City staff is in communication with the new owners and improvements to the overall site are already underway. She commented that in resident surveys, there is always an interest in new restaurants in the community. She reviewed that restaurants within 150 feet of residential zoning districts must meet the standard special use criteria in addition to the performance standards for restaurants as detailed in the Code which must be met by all restaurants. She stated that the staff report provides detailed findings in support of the request for a Special Use Permit for the proposed Kuro restaurant subject to 13 recommended conditions of approval. She pointed out that some of the conditions apply to the overall development site, Westwood Square, and others are specific to the proposed restaurant. She reviewed that the

conditions require maintenance of the fence along the west perimeter of the site, maintenance of the trash enclosure area, limiting the times of trash pickups and deliveries and limiting the use of the alley to minimize disturbance to the adjacent residents. She added that the conditions direct use of the alley from north to south, with vehicles exiting on to Western Avenue to minimize the impact of headlights on neighboring homes. She stated that this site is unusual in the Central Business District because there is a significant amount of surface and underground parking on the site. She noted however that the conditions require that if parking on the site becomes tight, employees of all of the tenants in the development will be required to park remotely, in the employee parking lots, on the east side of the railroad tracks. She stated that the remote lots offer permit parking and parking for a daily fee however, the lots are free for use, without permits, during the evening hours. She stated that the conditions prohibit parking by employees or customers on residential streets. She noted that the performance standards for restaurants require regular maintenance of ventilation and mechanical equipment. She stated that an 11 p.m. closing time was established for the outdoor patio for the Westwood Bistro and the same hours are proposed for the new restaurant including clean up and all activity on the patio. She stated that the Code does not permit amplified music outdoors and that requirement is reiterated in the recommended conditions. She stated that the staff report supports a recommendation to the City Council in support of granting a Special Use Permit to authorize the new restaurant subject to the conditions detailed in the staff report.

Commissioner Picchietti thanked the petitioner for a comprehensive packet of information and the staff for the detailed briefing. He stated that based on the thorough information presented, he has no questions.

In response to questions from Commissioner Athenson, Mr. Witmer said that his office is located close to the property and as a result, he is familiar with some of the issues that have occurred on the Westwood Square property in past years, when it was under different ownership. He confirmed that the kitchen has a hood which has an exhaust through the roof. He stated that it is the restaurant operator's responsibility to maintain the ventilation system but the property owner will be responsible for assuring that the proper cleaning and maintenance is completed on a routine basis. He stated that the maintenance involves changing the filters and emptying grease traps. He noted that the proposed restaurant will not offer nearly as many fried foods as were offered by Burger King resulting in reduced cooking odors and exhaust. He confirmed that typically, the restaurant operator will have control over the times when deliveries of food and supplies are made. He confirmed that no deliveries will be permitted before 7 a.m. adding that it is likely that deliveries will occur before the lunch hour, around 9 or 10 a.m. He confirmed that the overall site, including the fencing and the landscaping all around the site, will receive regular maintenance and inspections. He stated that the restaurant will restrict where employees can smoke but noted that it may be difficult for the restaurant to control smoking by others who visit the site.

Chairman Kehr noted that submission of a maintenance schedule for the ventilation system to the City is required as one of the conditions proposed in the staff report.

In response to questions from Chairman Kehr about the hours for deliveries, Mr. Witmer clarified that deliveries of takeout food to customers will occur during the hours the restaurant is open. He stated that deliveries of food and supplies to the restaurant will typically occur in the mornings.

In response to a question from Commissioner Freeman, Ms. Czerniak confirmed that the conditions as recommended are substantially the same as those that were attached to the prior restaurant. She confirmed that the hours for deliveries to the previous restaurant were the same as those currently proposed. She acknowledged that in the past, there were deliveries that occurred outside of the permitted hours. She stated confidence that the new owner of the property will be more responsive to any issues that come up than the previous owner.

In response to questions from Commissioner Freeman, Mr. Witmer confirmed that the seating capacity of the proposed restaurant is similar to the capacity of the last restaurant that occupied the space. He stated that there is seating for about 80 people in the restaurant including the bar area. He noted that there will be a sushi bar which will add about 10 seats. He stated that the capacity of the outdoor patio will remain the same.

In response to questions from Commissioner Ruggles, Mr. Witmer confirmed that one additional service door is proposed on the east wall of the restaurant to provide access for employees serving customers on the outdoor patio. He explained that it is difficult for customers and employees to all use the front entrance door. He confirmed that signage will likely be similar to the signage for the Westwood Bistro but stated that the details of the signage have not yet been developed.

In response to questions from Commissioner Ruggles, Ms. Czerniak stated that the addition of a service door will not require review by the Building Review Board.

In response to questions from Commissioner Berg, Mr. Witmer said that the restaurant name is "Kuro", and stated that the signage will not include the word "bar".

Commissioner Berg stated that he is pleased that the property is under new ownership and noted that a restaurant will be a good addition to the area.

In response to questions from Commissioner Berg, Ms. Czerniak confirmed that another restaurant could locate elsewhere in the development and if it is within 150 feet of property zoned for residential use, a Special Use Permit will be required. She stated that consideration can be given to whether additional landscape screening should be added in the parkway, on the north side of Woodland Road. She noted that a number of years ago, at the request of a few residents, the east end of Atteridge Road was closed off and landscaping was added in that area.

Commissioner Berg noted that this is a unique situation in which residents, from their homes, look directly into a restaurant.

Commissioner Douglass stated that all of his questions have been answered.

In response to a question from Chairman Kehr, Ms. Czerniak confirmed that there are lights under the viaduct on Woodland Road to light the pedestrian walkway extending from Western Avenue to the remote parking lot.

In response to questions from Commissioner Athenson, Mr. Witmer stated that for now, the trash enclosure appears to be in the best location given the tightness of the site however, he noted that as the development is revitalized, more thought will be given to how best to handle trash on the site. He stated that a key issue is how well the trash enclosure is maintained and how often the trash is picked up.

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

Marlis Turek, 196 Atteridge Road, stated that the front door of her home faces the proposed restaurant. She pointed out that she has planted evergreens in her front yard in an effort to mitigate the impact of past restaurants that operated at this location. She suggested that there is a better place on the site to locate the trash enclosure, away from her line of sight. She suggested that the trash enclosure be located in the southwest corner of the property noting that the alley would still be passable for emergency vehicles. She pointed out that at that location, the trash enclosure will not be visible from the street. She stated that better window treatment is needed in the bar area or the shades need to be kept down at all times to avoid views into the bar from the street and her home and to prevent light spillover into the residential neighborhood from inside the bar. She noted that in the past, she often called the police about activity on the site. She stated that no music should be permitted on the outdoor patio and the hours and months when the patio is used should be limited. She stated that during the months when the patio is not in use, the furniture should be removed from the patio to avoid unintended use by passersby. She stated that a "closed" sign should be posted on the patio at times when use is not permitted. She stated that in the past, deliveries and trash pick-up have been huge problems. She explained that after the trash is picked up, the gates of the enclosure are left open adding that a large and disgusting grease container was located in the enclosure and the enclosure was not kept clean. She noted that the previous restaurants received deliveries throughout the day, from multiple vendors. She noted that some deliveries occurred when the restaurant was closed and the vendors appeared to have keys to the space. She noted that delivery trucks have backup alarms which are disturbing to residents early in the morning or late at night. She stated that staff should be directed to park off site so restaurant customers have access to easy parking. She stated that in the past, employees have had parties in the parking lot late at night causing a disturbance.

She stated that maintenance on the restaurant mechanical systems should not be permitted late at night. She noted that the new owner of the property has removed some evergreens along the perimeter of the site which is a concern. She added that the City does not take proper care of the shrubby in the parkways and planting island near her house noting that the plantings in these areas are important to screen the restaurant from the homes. She reiterated that in the past, she has called police and her alderman when she has been disturbed late at night by activity on the site. She stated that proper rules need to be put in place and followed. She added that smoking by employees and customers should not be permitted in the alley or in the neighborhood. She suggested that valet parking be offered.

Tom Paulson, 902 Oakwood, stated that he lives about 800 feet from the proposed restaurant. He stated that he moved into the neighborhood while the Westwood Bistro was open and was disappointed when it closed. He stated that he would love to have a sushi restaurant in the area.

Roberta Boyaris, 947 Oakwood Avenue, stated that her property is immediately to the west of the Westwood Square development and shares a property line with the restaurant space. She stated that living next door to a restaurant is not always the nicest thing. She asked who to call when the rules or conditions of approval are not followed. She stated that in the past, she talked with the owners of the restaurant and on occasion, called the police but did not always receive a proper response or solution to the problems.

At the request of Chairman Kehr, Ms. Czerniak responded to public testimony noting that now that the property is in the hands of a local family, problems can be brought directly to the attention of the property owner. She explained that if the police are called to the site, the Community Development Department receives information about the call. She added that issues and problems should also be brought to the attention of the Community Development Department by residents and encouraged residents to contact her directly. She stated that staff responds by alerting the restaurant operator and the property owner to any issues. She stated that if the issues are not addressed and if the conditions of the Special Use Permit are repeatedly violated, the matter will be brought back to the Plan Commission for reconsideration. She added that fines can also be assessed for violations of the Code or the conditions of the Special Use Permit.

Chairman Kehr invited further public comment.

Corky Petersen, 594 Beverly Place, stated that he has lived in Lake Forest since 1974 and is blessed to have his children and grandchildren now living in the community. He stated that he is a real estate professional in Lake Forest and commented that the real estate community is thrilled at the prospect of this building be renovated and a new restaurant locating here. He stated that although the real estate market is a bit sluggish, the area around the Central Business District is in high demand. He

noted that many people want to be able to walk to businesses and restaurants. He stated that reactivating the Westwood Square development will spread out the business district. He noted that the City will receive tax revenues, building permit fees and new employees will come to town as a result of the proposed restaurant. He stated that in his opinion, the proposed restaurant is a win-win for the community.

Hearing no further requests to speak from the public, Chairman Kehr invited final questions from the members of the Commission.

In response to questions from Commissioner Athenson, Ms. Czerniak stated that she will talk with the Forestry Section to determine whether additional plantings can be added to the Atteridge and Woodland Roads area. She added that she will alert the staff to the need for additional maintenance in the area.

In response to questions from Chairman Kehr, Ms. Czerniak explained that in the past, consideration was given to relocating the trash enclosure to the southwest corner of the property however, in that location, it would be immediately adjacent to residential properties. She stated that a setback from the residential property line is required and if the setback is adhered to, the alley is impeded. She suggested that the Commission consider adding a condition related to trash that requires: 1) the enclosure to be maintained in good condition with a solid fence and gate, 2) the gate to the enclosure must be closed at all times except when trash is being put into or being removed from the containers and 3) the frequency of pickups must be such that trash or recycling does not overflow the closed containers.

In response to questions from Commissioner Freeman, Ms. Czerniak confirmed that throughout the Central Business District, trash pickups are permitted beginning at 7 a.m.

Hearing no further questions from the Commission, Chairman Kehr closed the public hearing.

Commissioner Berg stated that the conditions recommended in the staff report appear to cover many of the issues that the neighbors have raised. He noted that staff should be directed to look at the potential for adding landscaping in the public areas located on the north side of Woodland Road.

Commissioner Picchietti stated that the community is fortunate to have an experienced restaurateur and a local owner involved in this site. He stated support for the petition as recommended by staff.

Commissioner Athenson stated that she is pleased that the property is now in the ownership of a local family adding that Kuro will be a great addition to the community. She noted that restaurants at this location have, in the past, been an issue for the neighborhood as evidenced by the testimony. She stated that the conditions appear to be comprehensive, but the adherence to the conditions and

enforcement are key. She stated that in the past, the lack of enforcement has been frustrating for the neighbors. She noted that the restaurant location is unique because it is adjacent to residential properties. She stated that from her home, a couple blocks away, she has heard garbage trucks and delivery trucks. She stated that property maintenance is important. She stated that key issues in the past have been odors, screening, noise and cleanliness of the trash area. She suggested that the trash pickup hours be adjusted to prohibit trash pickup before 8 a.m. to be more sympathetic to the neighbors. She stated that attention should be paid to the landscaping along Western Avenue as well as along Woodland Road. She stated that smoking on the site is an issue. She asked that no smoking be permitted on the property.

Commissioner Freeman thanked the property owner and the restaurant owner for their investment in the community. He stated that both of the parties have heard the neighbors' concerns. He stated that it is not up to the Commission to regulate whether people are permitted to smoke on the property. He suggested that the restaurant operator, with encouragement from the property owner, should address the issue. He commented that this location is a tough place to operate a business given the proximity to the residential neighborhood. He stated that the operators and property owners will benefit long term from listening carefully to the neighbors.

Commissioner Douglass stated that he is very much in favor of the petition commenting that the whole neighborhood will benefit from the change in ownership of the Westwood Square property and the improvements that are being made. He stated that he knows from personal experience that trash is an issue for restaurants. He suggested that consideration be given to using water tight containers that are specially made for restaurants to handle food waste and liquids. He added that the containers should close securely. He stated that he is excited to visit the restaurant.

Commissioner Ruggles agreed with the comments of the other Commissioners and stated support for the petition noting that the restaurant will be a great addition to the City.

Hearing no further comments from the Commission, Chairman Kehr invited a motion.

Commissioner Freeman made a motion to recommend approval of a Special Use Permit for Kuro, a new sushi restaurant and bar, in Westwood Square, subject to the following conditions.

Conditions Pertaining to the Overall Westwood Square Development

1. Perimeter fencing, retaining walls and landscaping at the north and west boundaries of the site shall be regularly inspected and maintained by the property owner. The fence must remain sturdy and in a full upright position, with all fence panels in place and in good condition. The retaining wall must remain in a solid and sturdy condition; any loose materials must be replaced.



Landscaping along Woodland Road and Western Avenue must be maintained in good condition and replaced as necessary, subject to the determination of the City's Certified Arborist, to provide substantial screening along the fence.

2. Vegetation along the public sidewalk on Woodland Road must be kept trimmed and may not obstruct or endanger pedestrian or bicycle traffic on the sidewalk.
3. Use of the alley on the south and west sides of the building shall be limited as follows:
  - a. The alley shall be used only for deliveries, trash pick-up and by emergency and security vehicles.
  - b. No parking, standing or staging of vehicles, other than for the purposes noted above, is permitted.
  - c. No portion of the alley shall be used as a drive thru or staging area for pick up by individuals, delivery services or by restaurant delivery personnel.
  - d. No gathering, loitering or smoking in the alley is permitted.
  - e. A sign shall remain posted stating that deliveries and trash pickup is permitted only between the hours of 7 a.m. and 6 p.m., on weekdays.
4. The property owner is responsible for establishing parking policies that give priority to customer parking, rather than employee parking, on the site. The property owner is responsible for monitoring parking activities and working with the tenants on an ongoing basis to assure compliance with the policies. The policies shall address the following:
  - a. Employees shall park off site in the Central Business District employee parking lot on McKinley Road during peak customer times.
  - b. No employee parking shall be permitted on Western Avenue.
  - c. No parking by employees or customers shall be permitted on residential streets.
5. Existing exterior lighting shall be reviewed and modified as necessary to prevent views of the source of the light from off of the site and to minimize light impacts on the neighboring homes.
  - a. Modifications to existing lighting may include, but are not limited to, replacing fixtures, adding light restricting drop down panels or reducing the intensity of lighting if so directed by the City.
  - b. Only essential security lighting, with the light source shielded from direct view, is permitted to remain on after operating hours.
  - c. City approval and permits are required prior to the addition or modification of exterior lighting on the site.

Conditions Specific to Kuro Sushi Restaurant and Bar

6. Signage, if not consistent with the previously approved signage, shall be subject to review and approval by the Building Review Board process.
7. A maintenance schedule for the exhaust and filter system of the restaurant must be submitted and will be subject to approval by the City prior to the issuance of a Certificate of Zoning Compliance and the opening of the restaurant.
9. Valet services during certain times may be required at the direction of the City based on an ongoing evaluation of activity levels at the site.
10. All activity on the outdoor patio shall end no later than 11 p.m. including clean-up of the area.
11. No amplified sound is permitted at any time on the patio or outside the restaurant.
12. During peak hours, the restaurant owners are responsible for assuring regular monitoring of the parking lots and neighboring residential streets to verify that parking is occurring consistent with the established policies and to take corrective action if necessary.
13. The restaurant owners are responsible for informing and directing employees and customers to appropriate parking areas. As necessary, the owners shall inform City staff of recurring parking or circulation issues on the site and corrective action shall be taken.
14. The trash enclosure must be maintained in good condition with a solid fence and gate, the gate to the enclosure must be closed at all times except when trash is being put into or being removed from the containers, water-tight containers intended for food waste and liquid must be used and, the frequency of pickups must be such that trash and recycling does not overflow the fully closed containers.

The motion was seconded by Commissioner Picchietti.

Commissioner Athenson asked whether there is interest from the Commissioners in modifying condition number three to prohibit trash pick-up prior to 7 a.m. and whether a condition should be added prohibiting or limiting smoking on the site.

Chairman Kehr stated a reluctance to establish hours for Westwood Square that differ from the trash pick-up hours for the rest of the Central Business District.

Commissioner Freeman commented that it is difficult to operate a restaurant and expressed concern about disadvantaging this operator by establishing times for trash pick-up that differ from those that apply to other businesses in the area. He

noted that condition three as recommended by staff prohibits employee smoking in the alley.

Commissioner Berg commented that both the owner and operator heard the neighbors' and the Commission's comments and discussion and likely understand the sensitivity around some of the issues.

Hearing no further discussion on the motion, Chairman Kehr called for the vote.

The motion was approved by a vote of 7 to 0.

**5. Additional public comment on non-agenda items**

There was no testimony presented on non-agenda items.

**6. Additional information from staff.**

The Commission continued consideration of the Plan Commission Meeting Schedule for 2019 to allow further time for review by the members of the Commission.

The Commission voted to approve the next meeting date, January 9, 2019.

The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Catherine Czerniak  
Director of Community Development