

The City of Lake Forest
Plan Commission
Proceedings of the March 11, 2020 Meeting

A meeting of the Lake Forest Plan Commission was held on Wednesday, March 11, 2020, at 6:30 p.m., at City Hall, 220 E. Deerpath, Lake Forest, Illinois.

Commission members present: Chairman Kehr and Commissioners John Dixon, Jamie Moorhead, Susan Athenson, and Stephen Douglass

Commissioners absent: Commissioners Michael Freeman and Monica Ruggles

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 January 8, 2020 and February 12, 2020 Plan Commission meetings.

The minutes of the January 8, 2020 meeting of the Plan Commission were approved with corrections as requested by Commissioner Douglass and Chairman Kehr.

Consideration of the minutes of the February 12, 2020 minutes was postponed.

3. Public Hearing and Action: Consideration of a request for approval of a Special Use Permit to authorize Little Italy, a new restaurant, to occupy tenant space in an existing building at 508 N. Western Avenue. A portion of the proposed restaurant is located within 150 feet of property zoned for residential use.

Property Owner: Lake Forest Plaza, LLC (James Altounian 50% and Audrey Altounian 50%)

Representative and Tenant: Frank Visconti

Chairman Kehr introduced the agenda item and asked the Commission to declare any conflicts of interest or Ex Parte contacts.

Mr. Visconti introduced the petition noting that he has been a resident of Lake Forest for over 45 years. He explained that his family has a long history of owning restaurants on the North Shore. He stated that he recently acquired Caputo's Cheese Market in Lake Forest after he was approached by the Caputo family to take over the business. He stated that the business now operates as the Visconti Cheese Market. He stated that his family's business has provided the food service for the City's 4th of July event and is proud to be involved in the Lake Forest community. He said that he has been involved in the restaurant business since he

was a child and has always wanted to take care of the residents. He stated that the proposed restaurant, Little Italy, will continue his family's legacy. He stated that the restaurant hours will be 5 to 10 p.m. which will work well with the other businesses in the development. He noted that his restaurant will not compete with Egg Harbor for parking. He stated that the menu will be authentic Italian food, at a reasonable cost and added that the restaurant will have a "family feel" with white and red checkered table cloths and views of a wood burning pizza oven. He stated that the business will also offer catering and food for community events. He stated that the restaurant will be a family venture with various family members working at the restaurant. He acknowledged that there have been concerns about the trash and deliver area behind the building and stated his intent to improve the area and keep it clean. He stated his hope to be open by summer 2020.

Ms. Czerniak stated that the City hears frequently from residents that more restaurants are needed in the community. She stated that the proposed location of the new restaurant is in an established commercial development, in a space previously occupied by a pizza takeout and delivery business. She agreed that the operating hours for the business as proposed by the petitioner will work well with the other businesses in the development. She noted that the parking lot is used heavily during the day, before 2 p.m., by customers of Egg Harbor. She noted that other daytime uses include the Mathnasium tutoring business and the occupants of the second floor offices. She stated that the lot is currently fairly empty during the evening hours. She noted this commercial development is unlike many in the Central Business District because it has on-site parking. She noted that parking is also available on Western Avenue, in front of the development. She stated that employees of the restaurant will be required to park off site, in the public lots nearby, if there are not sufficient spaces in the on-site parking lot to accommodate customers for the restaurant and other businesses in the development. She noted that the proposed restaurant will be within walking distance of single family residential neighborhoods and existing and future condominium buildings. She noted that a plan for improving the trash and delivery area behind the building which is shared by several businesses in the development was submitted by the property owner. She stated that cleanup of that area and implementation of the improvement plan will be required prior to the issuance of a Certificate of Occupancy to allow the restaurant to open. She stated that the expectation is that the improvements will be made as soon as the weather improves. She acknowledged that there have been some issues with deliveries for the existing businesses occurring before 7 a.m. She noted that no deliveries or trash pickups are permitted prior to 7 a.m. adding that neither delivery nor trash pickup trucks should be staging on Bank Lane or Vine Avenue prior to the allowed delivery time. She noted that the City has received complaints from residents along Bank Lane that parents wait on Bank Lane, a narrow street, to pick up their children from Mathnasium. She noted that the City recently installed additional signage along Bank Lane to discourage traffic, pickups and drop offs

on Bank Lane. She stated that staff also contacted the manager at Mathnasium to request their assistance in directing their customers to use the parking lot on the east side of the building. She noted that there are other conditions noted in the staff report which are standard for restaurants. She noted that the liquor license will be considered by the City Council concurrently with the recommendation by the Plan Commission on the Special Use Permit for the restaurant. She noted that this petition is before the Plan Commission because it is a standard sit down restaurant proposed within 150 feet of a residential neighborhood.

Chairman Kehr invited questions from the Commission.

In response to questions from Commissioner Athenson, Ms. Czerniak noted that a liquor license will be required and noted that the Mayor is the Liquor Commissioner. She explained that the City Council will review the request for a liquor license at the time the Plan Commission's recommendation on the Special Use Permit for the restaurant is considered.

In response to questions from Commissioner Athenson, Mr. Visconti stated that the ventilation system will be state of the art, with a quiet fan. He pointed out that primarily, the restaurant will be boiling pasta and baking food. He stated that the amount of frying that will be done will be limited if they even install a fryer, adding that frying, such as that done in fast food restaurants, tends to produce more odors. He stated that the menu will offer fresh, baked and sautéed food. He confirmed that the restaurant will not be open for sit down service at lunch because of limited parking and because a lunch business is not the focus of the restaurant. He stated that there is adequate parking at the site for customers between 5 p.m. and 10 p.m. He stated that trash pickups will be scheduled as needed and confirmed that he is working with the building owner to improve the trash pickup and delivery area for various tenants in the building. He stated that he will not have a grease bin.

In response to questions from Commissioner Douglass, Mr. Visconti confirmed that the wood burning pizza oven will have an exhaust system as required by the Code. He stated that a wood burning pizza oven smells like a fireplace.

Commissioner Dixon stated support for the petition and the conditions as recommended by staff.

In response to questions from Commission Moorhead, Ms. Czerniak confirmed that the building, at the time it was constructed, complied with applicable parking requirements. She noted that today, the standard parking requirements are not normally applied to businesses in the Central Business District because of the lack of space for onsite parking. She stated the public parking lots and on street parking are intended to provide parking for employees and customers and

encourage pedestrian activity. She stated that she will confirm that all of the proper signatures are added to the application for the file.

In response to questions from Commissioner Douglass, Ms. Czerniak explained that the conditions of approval will be incorporated into the Ordinance granting the Special Use Permit. She stated that if the business does not operate in compliance with the conditions of approval, staff will first contact the business and property owners to remind them of the conditions and request compliance. She stated that ultimately, if the conditions of approval are not followed, the City Council has the discretion to revoke the Special Use Permit and require the business to cease operations. She stated that Special Use Permits are business and owner specific and cannot be transferred to another entity or owner. She stated that after the Ordinance is approved by the City Council, it is signed by the Mayor, the business owner and the property owner and then recorded with the County.

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

John Cordell, 501 Oakwood Avenue, stated that he is excited about the new business but noted that there are some existing issues on Bank Lane. He acknowledged that the issues are related to existing businesses, not the proposed new restaurant. He stated that there is traffic congestion on Bank Lane and problems with the trash and delivery area. He read a letter that he previously submitted to the Commission. He stated that he is a lifelong resident of Lake Forest and currently lives in a 15-unit condominium building located to the west of the commercial development in which the new restaurant is proposed. He stated that his unit is located behind CVS. He stated that he is a condominium owner and a member of the condominium board. He stated that the condominium association recently spent \$40,000 to replace the stockade fence and driveway entrance on the condominium property. He stated that he is pleased to hear that the owner of the commercial development will be improving the fencing and landscaping around trash and delivery area. He stated support for prohibiting deliveries to the businesses before 7 a.m. He stated that the back of the commercial building is an eyesore. He asked that the owner of the property review the entire façade and make other improvements as necessary. He noted that Bank Lane is much more than an alley and has become an active roadway with trucks making deliveries and cars traveling through the area. He asked that the City public works crews survey the curbs, gutters and sidewalks and make the necessary repairs. He stated that trash accumulates along Bank Lane behind the commercial building and the gas station to the north and can be unsightly all year. He noted that Egg Harbor deliveries start about 4 a.m. to 5 a.m. with drivers that have their own access to the building. He stated that the delivery trucks are diesel trucks and are left running while they unload. He stated that he understands that Egg Harbor is primarily a breakfast restaurant and is well loved in the community. He stated that it will take thoughtful consideration and creativity to find a way to allow deliveries to occur

with less of an impact on the neighbors. He stated that the Deer Path Inn works hard to minimize disruption in the neighborhood adding that there is usually not a spec of trash from the hotel on the street. He stated that if there is an issue, the hotel manager responds immediately. He acknowledged that the area is a mix of commercial, residential and multi-unit uses but noted that Bank Lane is now also used as a short cut by many in the community. He pointed out that there are 15 access points onto Bank Lane between Vine Avenue and Illinois Road. He noted that the 485 and 501 Oakwood condominium buildings have one-way driveways with the entrances on Oakwood Avenue and exits on Bank Lane. He stated that it is important that all parties work together to resolve issues in the area.

In response to questions from Commissioner Athenson, Mr. Visconti talked about the filter system for the restaurant and noted that it will be a state of the art, new system. He stated that the fan for the system is quiet. He noted that primarily, the restaurant will be boiling and baking products, not frying foods. He stated that odors result from heavy frying such as that done in fast food restaurants. He stated that the restaurant may not even have a fryer. He said that the restaurant will not be open for dine in lunch service because of limited parking but also because there is not enough of a customer base in the area to support a lunchtime business. He stated that the restaurant will be open from 5 to 10 p.m. adding that there is adequate parking available in the lot during that time. He stated that garbage pick-up will occur as often as necessary and he described the modifications that will be made in the trash area. He stated that he plans to work with the owner of the building and the other businesses in the development on the improvements. He stated that his restaurant will not have a grease bin. He stated that the entrance to the restaurant will be on the east side of the building, not on Bank Lane.

In response to questions from Commissioner Douglass, Mr. Visconti confirmed that the wood burning pizza oven will have an exhaust system as required by the Code. He stated that a wood burning pizza oven smells like a fireplace.

Commissioner Dixon stated support for the proposed restaurant and the conditions as recommended by staff. He stated that the conditions will need to be addressed and adhered to by the petitioner.

In response to questions from Commission Moorhead, Ms. Czerniak confirmed that at the time the development was originally approved, the number of parking spaces provided on site complied with the applicable requirements. She noted however that standard parking requirements are not applied in the Central Business District because shared public parking lots and on street parking is available in an effort to create a pedestrian friendly environment.

In response to questions from Commissioner Douglass, Ms. Czerniak reviewed that complying with the conditions of approval is the responsibility of both the landlord

and the tenant. She noted that the Special Use Permit, including the conditions of approval, is approved by Ordinance. She stated that if the conditions are not satisfied on an ongoing basis, City staff will work with the tenant and property owner and ultimately, if compliance is not achieved, the Special Use Permit could be revoked by the City Council. She stated that a Special Use Permit is issued to a specific business and is not transferable. She stated that after Council approval, the Ordinance approving the Special Use Permit must be signed by the building owner and the tenant, and it is recorded with the County.

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

John Cordell, 501 Oakwood Avenue, stated that he is excited about the new restaurant but noted that there are issues on Bank Lane that need to be resolved. He acknowledged that the issues are not directly related to the petition that is before the Commission. He read a letter that he previously submitted to the Commission noting the congestion and trash on Bank Lane and the need for repairs to the roadway and curbs. He stated he is a lifelong resident of Lake Forest and currently lives in the building at 501 Oakwood Avenue, a 15-unit condominium building built in 1977 that is located on the west side of Bank Lane. He stated that his unit faces the back of the CVS Pharmacy space. He stated that as an owner of a unit in the 501 building, he is also a member of the Condominium Association Board for the building. He stated that the Association recently spent \$40,000 to replace the stockade fence and driveway on the property and install heating coils under the driveway. He stated that the Association maintains their property well. He stated that he is pleased to hear that there are plans to replace the fencing and add landscaping to screen the trash and delivery area behind the proposed restaurant, Chiefs Pub and Egg Harbor. He added that he is pleased to hear the deliveries will not occur before 7 a.m. He asked that the owner of the building address the unsightly appearance of the entire rear façade of the building. He stated that Bank Lane is no longer just an alley but instead, a working roadway with delivery trucks and cars from the homes, retail and commercial businesses in the area. He asked that the City survey the curbs, gutters and sidewalks on Bank Lane and replace and repair them as necessary. He noted that trash accumulates on Bank Lane making the area unsightly. He stated that Egg Harbor deliveries sometimes occur at 4 or 5 a.m. and the delivery drivers appear to have access to the building at that hour. He stated that the delivery trucks are diesel trucks and they are left running during the deliveries. He stated support for limiting deliveries to 7 a.m. and later. He acknowledged that Egg Harbor is well loved by the community. He stated that thoughtful consideration and creativity is required to find a way to reduce the impacts of deliveries on the adjacent neighbors. He stated that the Deer Path Inn has worked hard to minimize disruption to the neighbors. He said that if issues arise, the management of the Inn responds promptly. He acknowledged that this area has a mix of commercial, residential and multi-unit uses buildings and noted that Bank Lane is used as a short cut by

many in the community adding to the congestion in the area. He pointed out that there are 15 access points on to Bank Lane between Vine Avenue and Illinois Road. He noted that the 485 and 501 Oakwood condominium buildings have entrances on Oakwood Avenue and driveway exits on to Bank Lane. He noted that the funeral home also has a driveway on Bank Lane. He noted that with the opening of the Mathnasium tutoring center, additional traffic was added to Bank Lane because parents wait to pick up their children on Bank Lane. He stated that many parties will need to work together to solve the existing problems. He stated that the new restaurant will add more traffic and activity to the area.

Ellie Clarke, 485 Oakwood Avenue, stated that she is thrilled that a new restaurant is proposed within walking distance of her condominium unit. She stated agreement with Mr. Cordell's comments. She stated that Bank Lane is a major thoroughfare in the neighborhood for both trucks and cars. She stated that people park in no parking zones and the street is very narrow. She stated that people ignore the no parking or standing signs. She stated that the level of traffic on Bank Lane makes the area dangerous for those pulling out from the driveways along the street. She asked that Mr. Visconti encourage employees to park in the front of the restaurant and not use Bank Lane. She stated that the enhanced landscaping that is planned will be an asset to the area. She agreed that the sidewalks and gutters need to be replaced to make them safe and functional. She stated that it is important for Mr. Visconti to be aware of the issues that exist.

In response to questions from Ms. Clarke, Mr. Visconti said that the restaurant will offer carry out and catering. He stated that a delivery service is not planned. He said that he will do what he can to help improve the conditions on Bank Lane.

Hearing no further requests to speak from the public, Chairman Kehr returned the discussion to the Commission.

Commissioner Dixon noted that the Commission is charged with reviewing the request for a Special Use Permit for a new restaurant based on the criteria in the Code. He stated that the existing issues raised by the neighbors are important, and need to be addressed, but should be addressed separately from the petition that is before the Commission.

In response to questions from Commissioner Athenson, Ms. Czerniak confirmed that staff is in discussions with the property owners about the concerns raised by the neighbors. She agreed with Commissioner Dixon that the existing issues should be addressed separately from the petition for the proposed Little Italy restaurant. She noted however that two of the conditions recommended in the staff report directly relate to the concerns raised; deliveries are not permitted before 7 a.m. and improvements to the fencing and landscaping near the trash enclosure are required prior to the issuance of a Certificate of Occupancy for the restaurant. She stated that she has already conveyed the concerns about the condition of

the curbs, sidewalks and sewer grates to appropriate Public Works Department staff. She stated that No Parking, No Standing signs were recently installed along Bank Lane and the Police Department has been alerted to the concerns about cars staging on Bank Lane, near Mathnasium. She noted that the upcoming study of the Central Business District, as part of the update to the Comprehensive Plan, will include discussion of Bank Lane.

Commissioner Dixon thanked Mr. Cordell noting that his comments were well thought out and well put together.

In response to questions from Commissioner Dixon, Ms. Czerniak stated that she will arrange a meeting with appropriate City officials, Mr. Cordell, the owners of the commercial development and other interested parties.

Commissioner Dixon made a motion to recommend approval of a Special Use Permit to authorize Little Italy, a full service restaurant, to locate and operate in Lake Forest Plaza at 508 N. Western Avenue. He stated that the recommendation is subject to the following conditions.

1. The improvements to the trash enclosure, fencing and landscaping at the rear of the restaurant, as reflected on the plan included in the packet, shall be substantially complete prior to the issuance of the Certificate of Occupancy authorizing the opening of the new restaurant.
2. Use of the trash and delivery area off of Bank Lane, to the rear of the restaurant, shall be limited as follows:
 - The area shall be used only for deliveries, trash pick-up and by emergency and security vehicles.
 - No customer parking, standing or staging of vehicles, other than for the purposes noted above, is permitted.
 - No portion of Bank Lane or the trash and delivery area shall be used as a drive thru or staging area for pick up by individuals, delivery services or by restaurant delivery personnel.
 - No gathering, loitering or smoking in the trash enclosure or delivery area is permitted.
 - 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.
3. 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:
 - Employees shall park off site in the Central Business District employee parking lot on Western Avenue.

- No employee or customer parking shall be permitted on any residential street.
- 4. Signage, if not consistent with the previously approved signage, shall be subject to review and approval by the Building Review Board.
- 5. Documentation of maintenance and inspection of the ventilation system must be submitted to the City on a regular basis after installation and after the opening of the restaurant.
- 6. 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.
- 7. The property owners and 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.

Commissioner Athenson seconded the motion and it was approved by the Commission by a 5 to 0 vote.

Commissioner Dixon made a motion asking City staff to coordinate with appropriate parties in the near term to address the issues raised by the neighbors on Bank Lane.

Commissioner Athenson seconded the motion and it was approved by the Commission by a 5 to 0 vote.

8. Additional public comment on non-agenda items

There was no testimony presented on non-agenda items.

9. Additional information from staff.

There was no additional information presented by staff.

The meeting was adjourned at 7:27p.m.

Respectfully submitted,

Catherine Czerniak
Director of Community Development