

The City of Lake Forest
Plan Commission
Proceedings of the July 8, 2020 Meeting

A meeting of the Lake Forest Plan Commission was held on Wednesday July 8, 2020, at 6:30 p.m. This meeting was conducted remotely in compliance with Governor's Executive Order 2020-07, issued on March 16, 2020 that suspended certain Open Meetings Act provisions relating to in-person attendance by members of a public body due to the Covid-19 pandemic.

Commission members present: Chairman Kehr and Commissioners John Dixon, Jamie Moorhead, Susan Athenson, Michael Freeman and Monica Artmann-Ruggles

Commissioners absent: Commissioner Stephen Douglass

Staff present: Catherine Czerniak, Director of Community Development and Michelle Friedrich, Planning Technician

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 February 12, 2020 and May 12, 2020 Plan Commission meetings.

The minutes of the May 12, 2020 meeting of the Plan Commission were approved with one correction as requested by Chairman Kehr.

Consideration of the minutes of the February 12, 2020 meeting of the Plan Commission meeting was postponed.

3. Public Hearing and Action: Consideration of a request for an amendment to a Special Use Permit previously granted for Scout's Restaurant at 950 N. Western Avenue to allow modifications to the restaurant concept and floor plan, and to authorize the addition of a pick-up window/drive thru on the south elevation. The proposed changes are an effort to better position the restaurant to serve customers in various ways.

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

Restaurant Owner/Operator: Jason Akemann

Representative: Peter Witmer, architect

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

Commissioner Moorhead stated his daughter and Mr. Akemann's daughter were on a team together and noted that over a year ago, he spoke with Mr. Akemann generally about the previously approved restaurant. He stated that he has had no discussions with Mr. Akeman since and specifically, no discussions with him about the current request. He stated that he is able to consider the petition objectively.

Commissioner Athenson stated that she was contacted by a resident about the petition and directed the resident to contact City staff.

Hearing no further declarations from the Commission, Chairman Kehr invited a presentation from the petitioner and swore in all parties intending to speak.

Mr. Akemann noted that he was before the Commission about a year ago and received approval of a Special Use Permit for a full service restaurant within 150 feet of a residential zoning district. He noted that the approved restaurant was to be about 6,000 square feet with seating for about 200. He noted that extensive work was completed on plans for the restaurant, however, due to the Covid-19 pandemic, he has been forced to re-think his plans. He stated that he owns several restaurants in Chicago and in other areas and commented that he has learned a great deal in the last three months about how to continue to serve customers safely. He stated that the large restaurant that was previously approved is no longer a workable model. He stated that consumer behavior has changed. He explained that the modified plan splits the space into two smaller restaurants, each with different concepts; one serving breakfast and lunch in a casual, diner type setting, and the other, a higher end restaurant and bar. He stated that to make the project economically viable, the two restaurants would share a kitchen and restrooms. He stated that having the option for "contactless" pick-up has become an important feature to meet every day preferences of consumers and to allow a business to pivot quickly in the event of future pandemic related shut downs. He stated that in his experience, today, customers want the option for a quick transaction and ideally, online capabilities for ordering and making payment. He stressed that the old model of restaurants, without building in some features to mitigate risk, will not work in this new environment. He described his plan stating that customers will have the option to order and pay from their phones using an app and will be notified when the order is available for pick up from the window. He stated that importantly, customers will not need to park, get out of their cars, or enter the building. He stated that the only activity that will occur at the window will be handing the food to the customer. He stated that there will not be an opportunity to order from the pick-up line. He stated that from a business efficiency standpoint and public safety perspective, the pickup window is preferable over having employees run out to the parking lot or to cars parked on the street to hand customers their order, or having customers enter the building to pick up an order. He reiterated that there will not be a speaker in the pick-up lane or the ability to order at the window. He noted that the customer will enter the pick-up lane at the northwest side of the building, from Woodland Road or

Western Avenue, and travel south along the west side of the building and then turn left to reach the pick-up window on the south wall of the building. He stated that cars will exit from an existing curb cut, on to Western Avenue. He stated that the existing fence along the west property line will be replaced with a new, solid seven foot tall fence on top of the existing retaining wall. He concluded reiterating that offering an app for ordering and payment, and contactless pick-up, is a safe way to deliver food to customers and make restaurants viable in today's world.

Ms. Czerniak reviewed that the Special Use Permit for Scouts Restaurant was approved in 2019. She explained that because some aspects of the previously approved restaurant are now proposed to change, a request for amendment to the Special Use Permit is presented to the Commission for review and action. She stated that the Code does not speak specifically to a "pick-up window" but the Code requires consideration of a drive through under the Special Use Permit process. She stated that staff erred on the side of caution and classified the requested pick-up window as a drive through despite the fact that less activity is proposed than would occur with a traditional drive through. She added that as reviewed by Mr. Akemann, some modifications are proposed to the floor plan and restaurant concept as originally approved, specifically, shared use of the space for two different restaurants is proposed along with the addition of a pick-up window to mitigate the risk of opening a single, large restaurant. She noted that the floor plan originally presented by Mr. Akemann is included in the Commission's packet along with the previously approved Ordinance authorizing the Scouts Restaurant. She acknowledged that there are only a limited number of drive through facilities in Lake Forest and acknowledged that the drive through at McDonald's was very controversial in the community and was the subject of litigation. She added however, that many in the community were disappointed when the McDonald's and the drive through were closed. She noted that in an effort to support local businesses during the pandemic, the City Council recently directed staff to work creatively to find ways to expand outdoor dining opportunities and accommodate pick-up areas to allow businesses to continue to serve customers' needs in ways that are safe and comfortable. She described the proposed pick-up window as somewhat of an evolution of the typical drive through of the past as a result of technology that is now available to simplify and expedite ordering and payment. She reviewed that to provide a buffer between the commercial use and the neighboring residential properties, a new, solid, seven foot tall fence is proposed along the west property line, on top of the existing retaining wall. She commented that use of the service lane by the restaurant will encourage the property owners and tenants to keep the area clean. She pointed out that no addition of hardscape is proposed. She stated that a condition is recommended requiring consideration of signage that may be required for safety at the point where the pick-lane exits across the sidewalk. She noted that signage and pavement markings may both be appropriate. She stated that Mr. Akemann

has stated his intention to have the pick-up window open from 7 a.m. to 9 p.m. depending on demand.

In response to questions from Commissioner Freeman, Mr. Akemann confirmed that the square footage and foot print of the entire space is the same as reflected in the earlier approvals. He said that each of the two restaurants as now proposed would have 50 to 75 seats representing an overall reduction in seating capacity from the restaurant that was previously approved. He explained that for takeout, an order will be placed on line and the customer will be notified when the order will be ready for pick-up. He explained that the customer will drive through the lane and pick up the order at the assigned time without any other transaction taking place. He emphasized that payment will be required to be made online. He noted that Starbucks in Highwood has instituted a similar online ordering process. He noted that they do not anticipate a speaker box and stated that the pick-up window is intended to expedite contactless pick-up. He confirmed that third party delivery services would also use the pick lane. He stated that a menu board posted outside will not be necessary.

Commissioner Freeman complimented the petitioner on the thoughtful changes proposed in an effort to find a viable option for his business in a post Covid-19 world. He commented that a pick-up window is much different than a drive through where customers place an order while in the line.

In response to questions from Commissioner Freeman, Ms. Czerniak confirmed that any approval can clearly authorize a pick-up window only, and the specific activities that are permitted. She added that the approvals can also prohibit the installation of a speaker box if recommended by the Commission. She confirmed that if approved as a pick-up window, to expand the use to more of a drive through type operation would require further Commission review. She confirmed that no concerns were raised by public safety staff about the proposed pick-up window and use of the existing service lane.

In response to questions from Commissioner Artmann-Ruggles, Mr. Witmer stated that the on site circulation for the overall development is currently working well. He stated that the entrance to the site from Woodland Road accommodates two way traffic well. He stated that the service road is about 18 feet wide at the north end, near Woodland Road, and is about the same width near Western Avenue. He stated that providing pick-up windows for other restaurants in the development is not being contemplated and likely would not be workable. He noted that the pick-up window proposed for Scouts' Restaurant is located away from residential properties, on the side of the development adjacent to the Jewel parking lot. He stated that the property owner is trying to work with the business owner to find a way to make the business viable and to allow it to move forward in these difficult times. He acknowledged that if the pick-up window is approved, utility meters located on the south side of the building will need to be modified and in some

cases, relocated. He stated that an awning over the pick-up window is not currently proposed. He stated that all of the lighting on the building is down lighting to minimize any off site impacts.

Commissioner Artmann-Ruggles noted that at times, cars may need to queue up if orders are not ready. She asked that consideration be given to how cars will be directed around others that may be waiting.

In response to questions from Commissioner Moorhead, Mr. Akemann confirmed that two restaurants are proposed in the space previously proposed for a single, large restaurant. He explained that he is trying to reduce his risk by providing two different concepts, each with a smaller footprint. He explained that Scouts will be a health focused restaurant offering coffee, breakfast and lunch. He stated that the Honor Bar will be more upscale and will be open at night during the week, and possibly during the day on the weekends. He noted that each space could be rented to another business if one of the restaurants fail. He stated that he believes that the need for a pick-up window will continue even after the pandemic is over. He stated that based on his experience, the current situation is changing the way that consumers interact with the restaurant industry, a change that will likely last for some time. He explained the app that would be used for ordering and payments. He stated that he is able to limit the number of orders accepted at any time to assure quality customer service and, as a result, limit the frequency of trips through the pick-up lane. He stated that currently, he is planning for 10 transactions per hour. He said that he believes that the pick-up lane can be operated in an efficient and controlled manner. He noted that with the pick-up window available, customers will not be parking in the surface lot or the underground lot to await curbside delivery or to go into the restaurant to pick up an order. He stated that the pick-up window will be cleaner, safer and faster than either of those options.

In response to questions from Commissioner Moorhead, Ms. Czerniak stated that approvals that occur through Special Use Permits are unique to the specific circumstances of a particular site and business. She stated that as a result, approval of a pick-up window at this location will not set a precedent requiring approval of pick-up windows at other locations throughout the community without the review of the unique factors of each site and business. She acknowledged that the property owner and the tenants will need to work through the details of how deliveries and trash collection will occur once the pick-up window is in place.

In response to questions from Commissioner Athenson, Mr. Akemann confirmed that at this time, he anticipates limiting online orders to ten per hour through the software. He noted that morning orders for coffee only, could be completed much faster than food orders. He stated that depending on the demand and ability of the restaurant to prepare the orders, he will adjust the number of orders accepted at any time. He stated that his goal will be to have orders ready and

waiting at the assigned time and to provide quick and high quality customer service. He stated that Covid-19 has made a pick-up window important to the viability of a restaurant however, he reiterated that he anticipates that the pick-up window will be an important amenity even beyond the pandemic. He noted that unlike other restaurants in the community, the opportunity for outdoor seating near his restaurant is limited. He stated that expanding outdoor seating for instance, on to Western Avenue would not be safe. He stated that the pick-up window will allow him to serve customers more quickly than requiring them to park and wait for curbside service or come into the restaurant. He stated that he lives near Edgewood and Woodland Roads and is aware of the pedestrian activity around the building and said that it is a good thing. He stated that he is willing to provide any signage determined to be necessary for safety purposes. He stated his commitment to pay close attention to details, quality and safety.

In response to questions from Commissioner Athenson, Ms. Czerniak noted that Westwood Square, although adjacent to a residential neighborhood, is a commercial property and is part of the Central Business District. She confirmed that City staff has received strong direction from the City Council to work with businesses to find ways to allow them to continue to serve customers during this time. She added that Westwood Square has long been identified as a commercial site with the potential to once again become a vital part of the Central Business District. She noted that recent improvements at the site and the new tenants that have been brought in are achieving that goal.

In response to questions from Commissioner Dixon, Ms. Czerniak confirmed that the accommodations to expand outdoor dining opportunities on Bank Lane and in other areas of the Central Business District are in direct response City Council direction. She stated that the City is working to act swiftly to help the businesses find alternative ways to serve the public during the pandemic. She offered that if the Commission is inclined to support the request for a pick-up window, a condition could be included that requires staff to report back to the Commission in 18 months on how the pick-up window is functioning to allow consideration of modifications to the operations if necessary.

In response to questions from Commissioner Athenson, Ms. Czerniak noted that if a new building was proposed at this location, it is likely that the new development would be considered under the special use provisions.

In response to questions from Commissioner Artmann-Ruggles, Mr. Witmer described the exit stairs along the service drive and commented that in his opinion, the stairs would be obvious to pedestrians and cars. He noted that cars will be traveling slowly along the service drive. He agreed that signage will be needed to provide directions and warnings.

Commissioner Freeman agreed with Mr. Witmer that some signage is necessary and suggested consideration of a painted crosswalk as well.

Chairman Kehr complimented the property owner on the improvements made to the site over the last year.

In response to questions from Chairman Kehr, Mr. Akemann noted that the trash containers will remain in the alcoves around the building. He stated that the garbage collection is completed very quickly. He stated that the pick-up lane can be closed down for a short time as necessary. He noted that doors will be added to the alcoves to conceal the trash containers. He stated his commitment to keeping the pick-up window operations flowing smoothly with the intent that cars will not stack up. He stated that if the pick-up window is not approved, he would need to re-evaluate whether or not proceeding with the restaurant at this time is a good economic decision. He stated that the pick-up window is a safety measure for the public and for the employees of the restaurant and will allow him to start up a business at this time in a safe and viable manner.

In response to questions from Commissioner Athenson, Ms. Czerniak noted that the by right zoning setbacks for the site are: a five foot setback from the property lines along Woodland Road and Western Avenue, a 10 foot setback from the west property line, and a 35 foot setback from the south property line.

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

John Julian, 190 Atteridge Road, stated that he lives across the street from Westwood Square. He acknowledged that the Plan Commission has a difficult job and noted that good questions have been asked by the Commission. He noted that the restaurant concept is good, but the site is difficult because it is adjacent to a residential neighborhood. He stated that Woodland Road is busy with traffic and pedestrians adding that the traffic volume increases when the high school is in session. He stated that inevitably, the pickup window will generate a waiting line which could conflict with the traffic on Woodland Road. He stated that even Starbuck's has a waiting line. He noted that five restaurants will be located at Westwood Square. He noted that the pickup window will be a permanent fixture and will remain even after the pandemic.

Marliss Turek, 196 Atteridge Road, stated that she lives across the street from the property. She stated that the potential impacts resulting from the pickup window have not been studied. She stated that the service drive is for the entire building and all of the tenants. She stated that deliveries and trash pickup has been an issue since the building was built in the 1970's. She noted that cars will stack up in the parking lot, waiting to reach the pickup window. She noted that the cars waiting for orders will create noise and air pollution and will impact the

neighborhood. She agreed with Mr. Julian's comments about heavy traffic on Woodland Road and the danger adding a pickup window will bring to the neighborhood. She stated that if this request is granted, it will set a precedent for pickup windows at other locations.

Tom Paulson, 902 Oakwood Avenue, stated that he lives to the west of the property. He stated support for the pickup lane. He stated that given the location of his house, next to the business district, he can hear activity on Western Avenue but does not find it to be a negative. He stated that the addition of a pickup window will, in his opinion, be a positive addition to the neighborhood.

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

In response to questions from Commissioner Moorhead, Mr. Akemann confirmed that the business plan, as originally approved, anticipated customers coming into the restaurant to pick up orders. He confirmed that as now proposed, pickup traffic would be directed to the window rather than requiring people to park and leave their vehicles to pick up food.

Chairman Kehr noted that her concern is about increased traffic moving through the site and how it will be managed. She noted that the hours as now proposed differ from the original proposal noting that morning hours are now proposed for both the restaurant and pick up window.

Commissioner Freeman noted that the changes to the previous approval and the addition of a pick-up window request are made in response to the impact of Covid-19 on this business. He noted that the virus is not going away and, as a result, it is important for the community to consider the impacts and be responsive. He noted that the virus has changed consumer behaviors. He noted that the pick-up window will serve the same customer base that the restaurant would have had inside. He noted that this request is being considered through the special use process which requires the Commission to consider the unique aspects of this site and this business. He stated that the action on this petition will not necessarily establish a precedent for other businesses. He suggested that given the change in customer behavior, consideration may need to be given to distinguishing a drive through from the pick-up window/curbside delivery type operations which are becoming more common. He suggested that consideration be given to whether making the entrance to the site off of Woodland Road one way and providing entrance to the pick-up land from the parking lot would be beneficial to the overall circulation, or not.

Commissioner Artmann-Ruggles noted that her concern is whether or not the physical width of the service lane is sufficient especially taking into consideration any obstructions and the possibility that two cars may need to be able to pass by

each other. She noted that in her opinion, there may be more congestion if traffic from the parking lot is entering the pick-up lane in addition to traffic from Woodland Road. She noted that the other restaurants in the building may want a pick-up window as well. She noted that in concept, the pick-up window is a great idea. She stated that she needs more details on the issues mentioned before being prepared to take action on the petition.

Commissioner Freeman noted that in other drive thru situations, the business at times asks the customers to pull out of the travel lane until their order is ready.

Commissioner Artmann-Ruggles suggested that consideration could be given to moving the pick-up window further to the west to provide additional space between the window and the point at which vehicles cross the sidewalk. She noted that this shift may allow room for cars to pull forward if the order is not ready.

Chairman Kehr expressed concern that denial of what is presented as a creative way to respond to current consumer behavior may be perceived as turning away a business that will be good for the community.

Commissioner Dixon stated that he heard the petitioner state that he would likely not move forward with this business if the pick-up window is not approved. He noted that this commercial site has struggled to keep tenants over the past 15-20 years, under the previous owner. He pointed out that the new owners have made a substantial financial investment in the building recently. He noted that in the past there were multiple restaurants in the development. He agreed with Commissioner Freeman that the virus has changed consumer behaviors in ways that are not likely to disappear any time soon. He stated that it is important to look forward and explore new ways to operate recognizing the world as it is today. He noted that if this business opened before the pandemic, the City would be looking for ways to support the business through creative ways to allow increased outdoor seating or to accommodate curbside pick-ups of orders. He stated that if accommodations are not made to support businesses looking to come into Lake Forest, there will not be any new businesses.

Commissioner Moorhead stated that after understanding this is a pick-up window, not a drive through, his initial concerns about cars stacking up in the alley are no longer concerns. He stated that the staff report provides findings in response to the criteria for a Special Use Permit and stated that he is comfortable that the petition meets those criteria. He stated support for a report back to the Plan Commission in 12 to 18 months after the restaurant opens to provide the opportunity for modifications to the operations if necessary. He noted that the concept of a pick-up window is a new one and given the uncertainty of the virus, may be an option worth exploring more broadly. He stated that a traffic engineer should be involved in reviewing the final site plan to assure that it is workable and safe.

Commissioner Dixon noted that the 10 cars per hour using the pick-up window would not be parking on the site.

Commissioner Athenson stated that she is looking at this request from a larger, long term point of view. She agreed that everyone is going to have to learn to live with Covid-19. She noted however that Lake Forest is known Nationally for long term planning and attention to good urban design and walkability. She stated that this neighborhood is currently very walkable but noted that the walkability can be threatened by the heavy traffic particularly when school is in session and the complication of a traffic light at a curved roadway. She stated that the pick-up lane is proposed in an alley that is the service driveway for the building. She stated that she does not think this is an appropriate location for a pick-up window given the specific characteristics of the site and the neighborhood.

Commissioner Artmann-Ruggles stated that if more work is done to answer the questions raised and to refine the site plan she could see this petition moving forward to a positive outcome. She reviewed that further study is needed of the benefits, or lack thereof, of moving the pick-up window to the west. She stated support for a status report after 18 months if the petition is ultimately approved.

Commissioner Moorhead agreed with the comments made by Commissioner Artmann-Ruggles. He noted that despite the adjacency to a residential neighborhood, this is a commercial property, located in the Central Business District. He stated that in his opinion, a pick-up window will not increase traffic volumes, but rather, change the way consumers interact with the business.

Commissioner Dixon stated that this project is consistent with the City Council's direction to provide more opportunities for businesses. He noted that this is a way to move traffic that would be coming to this site anyway, differently through the site.

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

Commissioner Freeman made a motion to continue the petition to the next meeting to allow the petitioner to conduct further study, respond to the questions raised and prepare refined plans. He noted that the motion also incorporates direction to staff to modify the conditions as appropriate in response to the Commission's discussion.

Commissioner Dixon seconded the motion and it was approved by the Commission by a 6 to 0.

4. Additional public comment on non-agenda items

There was no testimony presented on non-agenda items.

5. Additional information from staff.

No additional information was presented by staff.

The meeting was adjourned at 9:19 p.m.

Respectfully submitted,

Catherine Czerniak
Director of Community Development