

**The City of Lake Forest**  
**Plan Commission**  
**Proceedings of the September 9, 2020 Meeting**

A meeting of the Lake Forest Plan Commission was held on Wednesday September 9, 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: 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 introduced the members of the Commission and staff and reviewed the meeting procedures followed by the Commission.

**2. Consideration of the minutes of the August 12, 2020 Plan Commission meetings.**

The minutes of the August 12, 2020 meeting of the Plan Commission were approved with a correction as requested by Commissioner Athenson.

**3. Public Hearing and Action: Consideration of a request for approval of a Special Use Permit to allow a restaurant to be located within 150 feet of residential properties at 950 N. Western Avenue, in Westwood Center.**

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

Tenant/Restaurateur: Jeff Urso, Donati's Pizza/Jefe's Tacos

Chairman Kehr introduced the agenda item and asked the Commission members to declare any conflicts of interest or Ex Parte contacts. Hearing none, she swore in the petitioner and invited a presentation.

Mr. Urso introduced the petition noting that the concept is to offer two restaurants in one space with a shared kitchen and shared management and delivery operations. He stated that seating in the restaurant will be limited with a focus on delivery and pick up services. He stated that his business was previously located at Westwood Square from 2010 to 2015 before he moved it to Lake Bluff. He stated that since that time, his business has grown from three to 30 employees. He stated

that he has wanted to return to Lake Forest for some time. He stated that when he left Lake Forest, it was under difficult conditions due to an inattentive landlord at the Westwood Square development. He noted that now that the development is owned by the Altounians, the building and site are much improved and stated that he is excited to return to this location and Lake Forest. He stated that he lives in the community and is raising his family here adding that many residents of Lake Forest are his customers. He noted that having operated at this location in the past, he is aware of the concerns of the neighboring residents. He stated that refuse will be picked up three times a week, deliveries will occur after 8 a.m., employees will park offsite in the public parking lots and delivery drivers will stage in the parking garage under the building, not in the alley. He stated that having operated at the Lake Bluff location over the past several months, he has developed safety protocols for his employees and customers in response to the pandemic. He pointed out that most of his business occurs after 4 p.m., after the professional offices and service businesses in the development are closed and, as a result, the parking demands will be spread throughout the day. He stated that the restaurant will close at 9 p.m., earlier than some of the other restaurants in the community. He stated that as the weather permits, outdoor seating will be offered to customers in the courtyard in the center of the development. He stated that the ventilation for the pizza oven and the cooking hood will be directed straight up and the vents will be located toward Western Avenue, away from the residences to the west. He stated that signage for the business will be consistent with the signage planned by the building owner for the other businesses in the development. He noted that he is fortunate to have name recognition having been at this location in the past. He reiterated that he is excited to be returning to Lake Forest noting that he has remained busy during the pandemic. He acknowledged that he has lost some of his business from large corporations because employees are not at work but is doing well focusing on residential customers. He stated that he knows the Lake Forest market well.

Ms. Czerniak noted that the Commission recently recommended approval of a family restaurant in this same development. She noted that due to the pandemic, and the neighbors' objections to the owner's proposal for a pickup window to allow the restaurant to move forward despite the current limitations on dine-in seating, the concept for the previously proposed restaurant has been abandoned, at least for now. She stated that Donati's is proposing to occupy a portion of the space that was going to be occupied by the previously proposed restaurant, the space away from the Western Avenue street frontage. She noted that the building and site are under new ownership. She acknowledged that the site suffered from neglect under the prior ownership and as a result, several tenant spaces were vacant for an extended period of time. She stated that the new owners have made significant improvements to the site, interior and exterior improvements, and have worked to re-energize the development. She stated that when Donati's vacated the site and left Lake Forest, many residents contacted the City to express their disappointment. She stated that Mr. Urso remained involved in

the Lake Forest community after his restaurant in Lake Forest closed. She noted that he is an experienced restaurant operator and supports various community special events. She stated that the staff report includes findings in support of a Special Use Permit to allow Donati's restaurant to locate within 150 feet of property zoned for residential use. She stated that a number of conditions are recommended as part of the approval and noted that the conditions are similar to those imposed on the other restaurants in the development. She confirmed that the conditions as recommended do not permit deliveries or trash pickup before 7 a.m. She acknowledged that in recent months there was a violation of this condition at the site but noted that the property owners were responsive, quickly viewed the video from the site and identified and contacted the offending vendor. She noted that this site is unlike many of the properties in the Central Business District in that it has a significant number of on site parking spaces both surface and under the building. She stated that the recommended conditions require employees to park off site to make on site spaces available to customers. She stated that there are always parking spaces available in the public parking lots located on the east side of the railroad tracks, within walking distance of the site. She confirmed that as described by Mr. Urso, the delivery drivers for Donati's will stage under the building and the restaurant will have direct access by way of a stairway to the underground garage. She reviewed that Donati's plans to be open until 9 p.m., closing earlier than some of the other businesses on the site. She stated that in recognition of the concerns of the neighbors, no loitering or employee breaks are permitted in the alley and traffic in the alley is limited to one-way, entering off of Woodland Road and exiting on to Western Avenue. She stated that staff recommends approval of the Special Use Permit subject to the conditions as detailed in the staff report.

In response to questions from Commissioner Artmann-Ruggles, Mr. Urso confirmed that delivery drivers for the restaurant will park under the building and use the stairs to come up into the restaurant to pick up the food. He stated that the drivers will park near the south stair well and turn off their vehicles. He said that travel lanes in the parking lot will not be blocked. He stated that during the day he anticipates one to two drivers and in the evenings, three to five. He stated that he only uses Door Dash for deliveries to Lake Forest College. He stated that he does not use other independent delivery services.

In response to questions from Commissioner Dixon, Mr. Urso confirmed that when Donati's was previously at this location, delivery vehicles staged in the alley from 2010 to 2013. He stated that in 2013 and 2014, in response to neighbors' concerns, the delivery drivers began using the underground parking garage for staging. He stated that the new restaurant will have direct access to the parking garage by way of a stairway in the space so the drivers will have a shorter walk and more direct access than in the past. He confirmed that staging the delivery vehicles in the parking garage worked well in 2013 and 2014.

In response to questions from Commissioner Freeman, Mr. Urso confirmed that customer pickups will be at the front counter, in the space, but noted that curbside delivery will be offered if customers do not want to come into the restaurant. He stated that there will only be very limited on site seating adding that the primary intent is for the business to offer takeout and delivery.

In response to questions from Commissioner Athenson, Mr. Urso stated that new hoods and ventilation systems will be installed for the pizza oven and kitchen equipment. He pointed out that the ventilation system will be located away from the adjacent residential neighborhood.

In response to questions from Commissioner Athenson, Ms. Czerniak confirmed that tenant spaces along the Western Avenue street frontage currently remain vacant with no new tenants pending.

Commissioner Athenson suggested that consideration be given to making some of the parking spaces on Western Avenue available to customers for curbside pickup to reduce the congestion that may occur in the on-site parking lot.

In response to questions from Commissioner Athenson, Mr. Urso confirmed that a drive thru pick up window is not proposed. He said that outdoor seating will be available in the interior courtyard adding that the seating area will be shared with other restaurants in the development. He stated that he relies on social media for advertising and has the benefit of many residents already being familiar with Donatis. He stated that signage will be consistent with the approved signage for the overall development.

In response to questions from Chairman Kehr, Mr. Urso stated that Donatis will be listed on the multi-tenant sign for the building installed by the property owner and other signage consistent with the property owner's plans for overall signage at the building.

Chairman Kehr encouraged the City to explore options for facilitating curbside pickup.

In response to questions from Chairman Kehr, Mr. Urso stated that lunch business from corporations is gone due to the pandemic. He stated that his business used to focus on office business at lunchtime and residential customers in the evening but now focuses mostly on residential customers. He stated that Donatis offers free delivery.

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

Ms. Tureck, 196 Atteridge Road, stated that she lives at the east end of Atteridge Road, directly across from the parking lot for the development. She stated that she is pleased with what she has heard from the petitioner. She noted that when Donatis was at this location in the past, there were some problems. She asked that the restaurants in the development be closely monitored to assure that the conditions of the Special Use Permit are followed. She stated opposition to any pick up windows noting that all of the restaurants need access to the alley for deliveries. She stated that the proximity of the development to the residential neighborhood is problematic due to the noise generated by businesses and customers at the site. She suggested that signs be posted in the parking lot asking customers and employees to be respectful of the neighbors by turning radios down and cars off. She asked that the businesses be responsible for cleaning up the surrounding area and the patio during business hours and before the businesses close for the evening. She asked that top of the line ventilation systems be required along with regular maintenance of the systems. She asked that outdoor music and loitering on the site be prohibited. She noted that some of the delivery trucks are large and noisy and asked that deliveries and maintenance be limited to week days, between 9 a.m. and 5 p.m.

Hearing no other requests to speak, Chairman Kehr invited a staff response to public comment.

Ms. Czerniak clarified that when Donatis was previously located in this development, there was no prohibition on delivery drivers staging in the alley. She noted that when it became an issue for the neighbors, Mr. Urso relocated the delivery drivers to the underground garage. She explained that live bands and music amplified by an amplification device are not permitted however, there is no prohibition on playing music on the outdoor patios at a level that is not audible off the site. She confirmed that no drive up/pick up windows are planned or proposed. She confirmed that the pick-up window proposed for Scouts Restaurant has been withdrawn due to neighbor opposition and the restaurant will not be opening. She stated that the recommended conditions of approval require regular maintenance of roof top equipment and ventilation systems. She stated that staff will contact the property owner to request that a plan be developed for cleaning up trash left by customers on the site, on the parkways and on neighboring properties. She reviewed that the site is zoned for commercial use and noted that like other properties in the Central Business District, it is adjacent to a residential neighborhood. She acknowledged that there are pros and cons to living within walking distance of the Central Business District. She stated confidence that the property owner and Mr. Urso will be sensitive to the neighboring homes.

In response to public testimony, Mr. Urso stated that Donatis will not accept deliveries before 8 a.m. He stated that in order to keep the equipment functioning

properly, filters will be changed quarterly and regular maintenance will be done. He stated that he will assign his staff to clean up trash on and around the site.

The Commission welcomed Mr. Urso back to Lake Forest noting that Donatis will be a great addition to the community.

Commissioner Athenson asked that Mr. Urso pay attention to the concerns of the neighborhood. She encouraged coordination with the other businesses in the development on curbside pick-up locations to minimize congestion in the parking lot. She encouraged consideration of pickup spaces on Western Avenue. She noted that at times she can smell odors from the restaurants in the development and asked that City assure that proper maintenance is being done on the ventilation systems.

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

Commissioner Dixon made a motion based on the findings presented in the staff report and subject to the ten conditions as detailed in the staff report.

The motion was seconded by Commissioner Artmann-Ruggles and was approved by the Commission by a 6 to 0 roll vote.

**4. Public Hearing and Action: Consideration of a request for approval of amendments to the Gimbel Subdivision plat, the property is located at 211 W. Westminster. Proposed changes include removal of the requirement for a shared driveway, permitting a single curb cut for Lot 1 on Westminster and modifications to the Conservation Easement along the south property line.**

Property Owner: Oakmont Partners, LLC (Nancy S. Donovan, Managing Member)

Representative: Michael Adelman, attorney

Chairman Kehr introduced the agenda item and asked the Commission members to declare any conflicts of interest or Ex Parte contacts. Hearing none, she invited a presentation from the petitioner's attorney.

Mr. Adelman introduced the petition. He stated that the petitioner is amending the original request and is now only requesting one change to the recorded plat of subdivision, removal of the prohibition of a second curb cut for Lot 1 on Westminster. He stated that in preparation for submittal of the petition on behalf of his clients, he did a significant amount of research including talking with prior City staff, Plan Commissioners and attorneys who were involved in the original approval of the Gimbel Subdivision. He informed the Commission that he may want to ask for a continuance at the end of the meeting, to defer Commission

action until a later date, depending on the Commission's discussion. He described prior to 1969 William Lane owned the Noble Judah Estate at 111 W. Westminster and the land to the west to the West Skokie Drainage Ditch. He noted that in 1969 he wanted to build a house, west of the Estate and he subdivided it into 2 parcels to build a house on. He noted the house built then, in 1969, is the house now on Lot 2 of the Gimbel Subdivision. He noted that several years later the land was resubdivided. He noted that the house on Lot 2 was sold to the Gimbel's in 1978 and was over 3 acres in size. He noted in later years, the Gimbels looked to subdivide their property and worked for six years to get approval to do so. He noted that Lot 1 of the Gimbel Subdivision includes several restrictions including a ridge height restriction on a house on the property of 35 feet, the front yard setback was increased to 65 feet and the east side yard setback is set at 100 feet, to keep any house away from the Nobel Judah Estate, in particular the grass tennis court. He noted that there are further restrictions on the property including 50 feet conservation easements on the north, west and south property lines, the bulk was restricted at 6000 square feet and the building envelope was made smaller than Code required. He noted that these constraints are legitimate constraints for protecting the Nobel Judah Estate. He stated the final restriction placed on Lot 1 is for a shared driveway with Lot 2, restricting a separate driveway from Westminster to Lot 1. He stated this restriction does not impact the integrity of the Nobel Judah Estate. He noted that Lot 1 has 304 lineal feet along Westminster and by Code, two curb cuts could be permitted. He noted that this is a bad precedent that was set in the approval of this condition of the subdivision approval. He noted that there are shared driveways in many areas of Lake Forest. He noted that in this area of Westminster, there are no shared driveways. He referred to Exhibit B, the houses up and down Westminster, in the area of this property. He noted that the six houses on the north side of Westminster, five of them have two curb cuts. He noted that one of them has screening. He noted that the premise for not allowing a curb cut directly from Lot 1 was to limit the curb cuts along Westminster. He noted that in a 300 foot lineal span, an additional curb cut would not be a significant impact. He noted on the south side of Westminster, the properties all have single curb cuts, but all have motor courts. He noted that shared driveways are not preferred and desired by property owners. He noted a recent removal of a shared driveway on Mayflower Road. He noted the correspondence that was presented was all not in support of the petition. He noted that Mr. Wesley's letter did not mention another curb cut, but referenced issue with another house on Westminster and drainage impacts. He noted that Mr. Reynold's letter spoke to the negative effect on property values with another curb cut. He noted that Ms. Lincoln, across the street, also submitted a letter.

Ms. Czerniak reviewed the background of the property and noted that there are two buildable lots in question. She noted that someone could submit a permit for construction on the vacant lot, fronting Westminster, tomorrow, if desired. She noted this was approved as a Planned Preservation Subdivision, to ensure that historic and environmental matters are preserved as part of the subdivision. She

noted that these types of subdivisions are to be reviewed creatively, in the context of the property in question and this Commission has reviewed subdivisions of this nature in the recent past, noting that there have been other restrictions put on other properties in Planned Preservation subdivisions that exceed the Code requirement. She noted that the Gimbel Subdivision discussion did occur over many years and with much negotiation. She noted that she shared the Plan Commission minutes and staff reports with Mr. Adelman in the past. She noted that the Gimbel's representative noted that the curb cut restriction had been placed on the plat to protect the streetscape and the neighboring historic estate. She noted that once the City Council approves the Plat of Subdivision, the City does not automatically record the Plat with the County, but rather waits for the Plat to be submitted by the property owner, to the City, to be recorded. In this case, the Gimbel's signed the Plat of Subdivision and submitted it to the City, to be recorded. She noted that the Gimbel's did not challenge the restrictions on the plat. She noted when the Donovan's purchased the properties, both Lots 1 and 2, the subdivision plat was recorded and the restrictions on the properties should have been disclosed. She discussed the early conversations regarding this petition, on its face, to provide a single curb cut to Lot 1, directly from Westminster, seem logical. She noted that she and the City Arborist visited the site and identified areas in which a curb cut could be placed and where a driveway could serve Lot 1, from the current driveway. She noted that the driveway location, is not the issue. She noted the issue before the Commission is that the subdivision plat was approved and recorded with conditions that the neighboring property owners should be able to rely upon. She questioned if there is a compelling reasons why the covenants should be amended, given the basis for the driveway access restriction being placed on the plat was to protect the streetscape, the historic estate to the east and for traffic safety. She noted that nothing significant has changed in any of these areas. She noted that a hardship is not presented because a lower property value might be placed on the property. She noted that there are many shared driveways in this community, specifically on the east side of Lake Forest. She noted that staff spent many hours reviewing the records for this subdivision, other subdivisions, discussions with the City Attorney, and found that it is not reasonable to state support for this petition.

In response to questions from Commissioner Freeman, Mr. Adelman agreed that the Donovan's understood they purchased two lots and that there was a shared driveway for the lots.

In response to questions from Commissioner Moorhead, Mr. Adelman stated that the curb cut covenant on the plat was never applicable, in 1997 or today, in 2020. He noted that he is approached more and more, over time, to resolve issues between neighbors that have shared driveways. He agreed that the subdivision was proper, but the shared driveway restriction was improper. He noted that the driveway restriction was a bad precedent. He agreed that the driveway restriction note on the plat was clear. He stated that the Plan Commission has

jurisdiction over the subdivision covenants on a plat and he stated that the correspondence from the neighbors speaks more to construction of a house on Lot 1, than to the negative impact of an additional curb cut. He noted that an extraordinary hardship or practical difficulty is not placed on the property owner's today, but that the note should not have been placed on the plat in 1997. He noted that a 304 lineal foot along Westminster deserves a single curb cut. He noted that maybe the hardship should not be applied and that the note on the subdivision plat was done in bad faith and should be removed.

Commissioner Moorhead stated that the City Code, Section 156.006 states that the applicant demonstrates to the City that extraordinary hardships or practical difficulties, unique to the site, and not caused by the owner or any prior owner would result from strict compliance.

In response to questions from Commissioner Athenson, Mr. Adelman clarified that in his opinion, the subdivision condition for the curb cut was punitive, based on the 116 page history that he has read on the subdivision review and approval process. He noted that he also spoke to many of the parties involved in the subdivision process in the 1990s.

In response to questions from Commissioner Artmann-Ruggles, Ms. Czerniak stated there is no restriction on the plat as to where the access to Lot 1 should be taken from the shared driveway. She noted that when on the site, there is a natural area of bump out on the shared driveway that could be a location for the split off to Lot 1.

In response to questions from Commissioner Dixon, Mr. Adelman clarified that he is seeking modifications to the Gimbel Subdivision plat notes. He stated that shared driveways can be good where they exist. He stated in this circumstance, on this property, the shared driveway that is mandated by the plat notes is punitive. He stated that he is asking the Plan Commission to modify and correct action that was taken after several years of study, over 23 years ago.

In response to questions from Chairman Kehr, Mr. Adelman agreed that the Gimbels never developed Lot 1 during their ownership of both lots after the subdivision was approved in 1997 and now, the Donovan's have owned the property for nearly 20 years and they too, have never sought to develop Lot 1.

Hearing no further questions from the Commission, Chairman Kehr invited public comment and swore in those wishing to provide testimony.

William Connell, 111 W. Westminster, noted that he purchased his property in 2010. He described that his property is an Illinois Historic Landmark and the National Historic Register. He noted that he has spent nearly 6 million dollars restoring the house and the property, that had been falling into disrepair at the time of his

purchase. He noted that he has been presented two awards by the Lake Forest Preservation Foundation for the restoration work completed and he has written a book on the family that created the estate. He noted that he respects the Donovan's property rights, but he does not respect their decision to try and amend the plat notes when they knew and understood them when they purchased the property. He stated the Donovan's have not had a hardship due to this plat note. He stated that the Donovan's do not plan to build on Lot 1, but rather this request to remove the plat note is simply to increase the property value. He noted that he purchased this property because of the charm of the southern side of West Westminster. He stated the curb cut restriction was put in place to help preserve the historic nature of his property. He stated if the Plan Commission changed this plat note, and removed it, he would have no confidence in the Plan Commission or any other plat note that could change. He noted that he has the right to rely on the plat note on the Gimbel Subdivision plat.

Amy Lincoln, 162 W. Westminster, stated that her house is located across the street from the Gimbel Subdivision. She noted that Mr. Adelman is incorrect in his statement that the neighbors lack of support for this petition is due to the desire that Lot 1 remain vacant. She noted that she did supply the Commission with a written statement and they specifically did not mention the fact that Lot 1 is a vacant, buildable lot. She stated that they respect the right of the Donovan's to develop their lot. She stated that the Donovan's were fine with the punitive nature of this plat note regarding the curb cut when they purchased the property and lived on the property for 18 years. She noted that the Donovan's property, Lot 2, is under contract and set to close sometime this month. She stated that the Donovan's are asking for this change to increase the marketability of their Lot 1. She requested that the Commission stand behind the plat notes regarding the curb cut as they exist on the plat today.

Hearing no further requests to speak from members of the public, she invited final comments and questions from the Commission. Hearing none, Chairman Kehr asked the petitioner for any rebuttal to public testimony.

Mr. Adelman stated that the covenant restricting the access to Lot 1 should not have been placed on the Gimbel Subdivision plat. He stated that shared driveways can be difficult and in this case, it is a hardship to the site. He noted that the location of the spilt from the shared driveway to Lot 1 is an additional hardship. He noted there are no agreements in place that help the property owners of Lot 1 and Lot 2 maintain the shared space, an easement agreement. He stated that direct access to Westminster would provide a better development plan of Lot 1. He stated that a shared driveway to Lot 1 is difficult. He noted that it is not a secret that the property is under contract and are only purchasing Lot 2.

Ms. Czerniak stated that it is important that there is no prohibition on the development of Lot 1. She noted that Mr. Connell stated that if this covenant is

lifted without any compelling reason or hardship, it would make it hard for neighbors or others in the community to have reason to believe the Plan Commission would not lift another plat restriction. She noted her agreement to Mr. Adelman's statement submitted yesterday that staff would have to fend off people from making requests to amend plat notes in the future. She noted that there is no hardship in this petition.

Commissioner Freeman noted his appreciation for the history reviewed of the subdivision process until its approval of the Gimbel Subdivision in 1997. He stated he believes that the Gimbels and the Donovans knew and understood the plat note regarding the curb cut to Lot 1. He noted that this development does not just include the property at hand, but also the historic estate to the east, which some of the plat notes on the Gimbel Subdivision apply to, in their quest to protect the estate with the future development of this property. He noted that it is unusual, but was approved in that way and to change that approval many years later would not serve the City well.

Commissioner Moorhead noted his agreement with Commissioner Freeman's comments. He noted that Note 3 on the Gimbel Subdivision plat is not ambiguous. He noted that he is reviewing this petition from 1997 forward, when the plat note was put in place. He noted that there is no hardship here, as documented by the City Code standards. He stated that the petitioner in the written and oral testimony states that this subdivision note was put in place in bad faith and was punitive. He stated that this petition fails to meet the threshold requirements and if the question is if this subdivision was created correctly, that is a matter for the circuit courts.

Commissioner Dixon noted his appreciation for Mr. Adelman's history provided in his testimony. He noted his appreciation for the neighbor's testimony and the Donovan's rights as property owners. He noted his respect for the process that took place 23 years ago. He noted that he does not see the hardship that has occurred in the last 23 years that should encourage this Plan Commission to change the approval that is in place today. He stated his agreement with Commissioner Moorhead that other steps that could be taken to change this, but not appropriate for the Plan Commission's action tonight.

Commissioner Athenson thanked Mr. Adelman for the review of the history of the site. She noted that compelling public testimony was provided, particularly from Mr. Connell, the neighboring property owner to the east who has invested significantly in his property. She noted that the Donovans, the current owners, purchased the property with the restrictions in place. She noted that amending the subdivision plat will set a concerning precedent. She noted that there is no hardship or change of circumstances provided by the petitioner. She stated her agreement with the comments of the other Commissioners.

Commissioner Artmann-Ruggles agreed with the comments made by the other Commissioners. She noted that the property owners purchased the property with the restrictions in place on the recorded plat. She noted there are various ways to utilize the single curb cut for both of the properties.

Chairman Kehr summarized that the Commission appears to be in agreement that the plat of subdivision should not be amended. She noted that Mr. Adelman seems well versed in shared driveways and suggested that consideration could be given to preparing a shared driveway agreement for the properties to provide more specificity and clarity for the benefit of potential buyers. She noted that consideration could be given to the use of different hardscape materials on portions of the shared driveway to delineate the access areas and responsibilities of each property owner should the lots be sold into separate ownership.

Commissioner Freeman noted that there has been a full and fair public hearing on this matter and questioned the value of continuing this matter.

Mr. Adelman stated that he is no longer asking for a continuation of the public hearing. He stated his appreciation for the Commission's careful review of the petition. He stated his appreciation for the Commission's willingness to conduct virtual meetings and complimented the format.

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

Commissioner Freeman made a motion to recommend denial of the request for amendments to the recorded plat for the Gimbel Subdivision. He stated that the recommendation is based on the following findings.

1. The approvals of the Gimbel Subdivision including all of the notes, covenants and restrictions on the recorded plat, were granted after a thorough public process and full public hearing.
2. The restrictions were specifically stated on the plat for the purpose of preserving the streetscape.
3. The plat was recorded over 23 years ago and the restrictions were known, or should have been known, to the current property owners when they property was purchased in 2001.
4. The materials provided to the Commission include testimony from neighboring property owners that they relied on the clear and comprehensive language on the recorded plat for the Gimbel Subdivision.
5. The petitioner has not met the burden of proof necessary under the Code to support the requested amendments.
6. Lot 1 of the Gimbel Subdivision is a buildable lot under the terms and conditions as approved in 1997 and consistent with the final plat of

subdivision which was submitted to the City for recording by the then owners, the Gimbels.

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

**5. Public Hearing and Action: Consideration of a campus redevelopment plan for property located on the southeast corner of Everett and Waukegan Roads. Approval of a Special Use Permit authorizing a drive thru lane for a coffee or food service business and variances from Code requirements relating to required parking, zoning setbacks and building height. The proposed commercial development includes a three-story medical office building and a single story retail/service business.**

Property Owner/Applicant: 1015, LLC and 1045, LLC (Carmine Iosue, Luke and Nicole Mertens, Joshua Iosue, Megan Iosue and Joseph Iosue)

Representative: Jack Frigo, Frigo and Associates

Chairman Kehr introduced the agenda item and asked the Commission members 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. Frigo introduced the property owners and the project team. He stated that on behalf of the owners, he has reached out to a number of the neighboring property owners to explain the project and get feedback. He stated that he and Mr. Iosue have met with representatives of IDOT and the City to discuss the land that will be needed from the Iosue property to accommodate the planned intersection improvements. He stated that the site plan as presented takes into account the intersection improvements. He stated that the property owners are supportive of the intersection improvements.

Carmen Iosue stated that he and his wife moved to Lake Forest in 1993 and raised their six children here. He stated that they enjoy being part of the community and supporting local not for profits. He stated that in 2012, his family purchased the 1025 W. Everett Road property and after the City rejected the proposal for a car wash on the property at the corner, his family decided to purchase the property and consolidate it with the adjacent 1025 Everett Road property. He stated that he and his family want to create something special for the community and have assembled a high quality team, a team that knows Lake Forest well. He stated his intent to be a good neighbor and develop the site in a way that is considerate of the neighboring properties. He stated that he is pleased with the campus plan as presented to the Commission and stated that his family is committed to making a long term investment in Lake Forest.

Mr. Patera reviewed an air photo of the area and commented on the surrounding mix of uses. He stated that the project team carefully considered how best to

allow a new development on the site to fit into the Waukegan Road business district. He stated that the intent of the project is to complement the existing uses and provide an appropriate transition from the business district to the adjacent residential neighborhoods to the east and south. He noted that the existing site has a significant amount of impervious surface and very little perimeter landscaping. He pointed out the proposed locations for the curb cuts to the new development noting that three curb cuts on Waukegan Road will be eliminated and two curb cuts on Everett Road will be eliminated. He stated that currently, the intersection of Waukegan Roads is not pedestrian friendly and stated that as part of the redevelopment, enhancements are planned to make the intersection and streetscapes more comfortable for pedestrians. He pointed out the existing building on the site, the location of the proposed retail building at the corner, and the professional office building on the southern part of the site. He reviewed the circulation through the site and noted the locations of trash enclosures for each building. He stated the intent to landscape the perimeter of the site and set the parking spaces away from the streetscape, behind the buildings.

Diana Melichar explained that the design of the site is inspired by a campus concept with three buildings and shared parking and landscape amenities. She explained that the buildings relate to each other in scale noting that as the buildings step away from the corner, the building footprints increase in size somewhat and the buildings increase in height. She noted that the buildings are designed around a common theme, with traditional elements including a central entry and quality exterior materials. She stated that the medical office building serves as a landmark at the southern gateway into the business district. She presented conceptual images of the two proposed buildings. She noted that all of the roof top mechanical equipment is screened from view. She explained that the medical office building blends traditional architecture with cutting edge technology providing a forward looking appearance for the building consistent with the demands of today's medical offices. She stated that the office building has a 10 foot floor to ceiling dimension on the first floor and nine foot ceiling heights for the second and third floors. She stated that all elevations of the building are consistently detailed and that non-reflective surfaces are proposed. She stated that they are working with a lighting consultant to assure that the lighting on the site is respectful of the neighbors.

Carrie Woleben-Meade, Mariani Landscape, stated that the goal is to make the campus pedestrian friendly by providing walkway connections through the site and landscape features along the streetscape and at the corner. She stated that a six foot high solid fence is proposed on the east and south property lines along with a row of shade trees to provide a canopy and a buffer between the new development and the adjacent residential development. She stated that native trees and plants will be used.

Ms. Czerniak stated that this project is before the Commission with a request for a Special Use Permit because the development as proposed includes a drive thru for

the retail space, professional offices are proposed on the first floor, and variances from parking and zoning setbacks are requested. She stated that the Special Use Permit will also approve the overall site plan. She noted that careful consideration of parking will be important to assure that on-site and off-site parking is adequate to support the success of the site in the short term and in the longer term as tenants change. She noted that a zoning setback is requested for a small portion of the southwest corner of the three story office building. She stated that the need for the variance from the corner side yard setback is driven at least in part by the curve in Waukegan Road. She noted that a height variance is requested for the medical office building and height variances are the purview of the Building Review Board. She stated that the project as proposed addresses many of goals identified in the past for this site. She stated that although this petition is not before the Plan Commission for action at the present time, it would be helpful to give the petitioner an indication of whether or not the concept as presented appears workable and to identify any areas of concern. She stated that with direction from the Commission, the petitioner will continue to work to develop the plans and details and will present the project to the Building Review Board before coming back to the Plan Commission for action.

Commissioner Artmann-Ruggles stated support for the concept of a campus development with a mix of retail and office uses on the site. She stated that the architectural imagery presented is appropriate. She stated concern about the overall height of the office building but acknowledged that the Building Review Board will consider the height in the context of whether or not it provides an appropriate transition along the streetscape. She stated concern about the magnitude of the variance required from the parking standards in the Code. She noted that the intersection is busy and not necessarily conducive to pedestrians coming from off-site parking.

In response to questions from Commissioner Artmann-Ruggles, Mr. Frigo confirmed that underground parking was studied. He noted that the floor plate is only 8,500 square feet limiting the amount of parking that can be achieved under the building. He added that the only location for access to an underground garage is between the building and Waukegan Road in order to avoid disrupting the site plan. He stated that the access on the west side of the building conflicts with the setbacks required from the roadway by IDOT. He acknowledged that underground parking also impacts the financial viability of the project. He stated that there is an abundance of nearby, off-site parking at St. Mary's School, St. Patrick's Church, Lake Forest Bank and Trust and in the City parking lots on the west side of the railroad tracks. He pointed out that currently, Mr. Iosue has an agreement with St. Patrick's Church which allows employees at the 1025 W. Everett Road office building to park on that site. He stated that the arrangement has proved to be very successful. XXXX He stated that in their research, they have learned that about 50% of the parking needs at medical office buildings are for staff and the other 50% for physicians and patients. He stated that parking for

physicians and patients will be fully accommodated on the site. He stated that it is not unusual for staff to park off site or some distance from the building. He stated that the parking plan has been shared with prospective tenants adding that early discussions indicate possible interest from a dermatology office for the entire third floor. He noted that the dermatology office indicated a need for 1.88 parking spaces per 1,000 square feet of space with staff parking off-site. He added that an oral surgeon is a possible tenant for half of the first floor adding that user indicated an on site need for 2.4 spaces per 1,000 square feet of useable space. He stated that the proposed plan is a good use of the property and takes advantage of existing parking already available in the area which currently is not fully utilized. He stated that after much due diligence, the property owner and the development team are comfortable that the parking as proposed will allow the project to be successful and bring activity to the area. He noted that the building is specifically designed for medical uses, and will not easily accommodate other types of office uses that may demand more on site parking.

Commissioner Dixon commended the project and the vision of the property owner and the project team. He stated that it is evident that a great deal of thought has gone into the development of the plan for this site which has been the subject of many discussions in the past. He agreed that development of the site provides an opportunity to create a southern gateway to Lake Forest and the Waukegan Road business district; a welcome and needed improvement to this part of the City. He noted that review of the traffic study by the appropriate engineers will be important particularly with the upcoming planned improvements to the intersection. He encouraged the petitioner to coordinate closely with the City and IDOT on traffic and access related issues. He stated that he is comfortable with the parking plan and off site arrangements for the reasons presented by Mr. Frigo adding that the parking needs for a medical office building are limited. He noted that it appears that there is support from surrounding property owners for the project. He stated that in his opinion, this is a good project for the City.

Commissioner Freeman stated that he agrees with many of Commissioner Dixon's comments. He acknowledged that the site is difficult. He stated support for the siting of the buildings near the street to enhance the walkability of the streetscape and to create a gateway element. He stated that the plan appears to be thoughtfully done. He suggested that some focus should be put on possible future uses. He noted that in the recent discussions about this area, there was interest in incorporating residential uses into the business district. He stated that in his opinion, it would be difficult to integrate residential uses on this site. He stated however, the potential for reuse of the building in the future, for non-medical office uses, should be considered in the Special Use Permit with a requirement for off-site parking to survive the initial tenants. He agreed that the building height and the request for a variance will be considered by the Building Review Board. With respect to the retail space, he noted that building too could, in the future, be adapted to a use other than the intended coffee shop. He stated that the Special Use Permit should

contemplate other uses that could be permitted without further approvals. He stated that the location of the southern curb cut on Waukegan Road should be carefully reviewed by appropriate technical staff at IDOT and the City.

In response to questions from Commissioner Freeman, Ms. Czerniak stated that the language in the Special Use Permit can be drafted to allow some flexibility with respect to future uses that would be workable given the limitations of the site. She noted that the location of the southern curb cut was specifically directed by IDOT in an effort to provide the maximum distance from the intersection. She stated that further review and discussion about the exact placement can occur as engineering plans for the site are reviewed.

Commissioner Athenson stated appreciation to the Iosue family for taking on this site and putting together a strong team. She stated that the amount of work completed to date is evident. She noted that in the past, there has been discussion about how to make this area more pedestrian friendly despite the traffic on Waukegan Road.

In response to questions from Commissioner Athenson, Mr. Frigo stated that various locations were studied for the patio for the coffee shop. He stated that ultimately, it was determined that locating the patio on the east side of the building, away from the cars stacked in the drive thru lane, was the best location, and more inviting. He acknowledged that on the east side of the building the patio will be near customers' parked cars but added that the patio will be softened by large planters with seasonal plantings. He noted that the development does have somewhat of an urban feel. He stated that the current plan provides sufficient stacking space for vehicles using the drive thru window and provides for a workable circulation plan. He noted that several of the existing curb cuts into the site are eliminated making the area more walkable and safer for pedestrians. He stated that two potential tenants have reviewed and support the layout. In response to questions about the height of the building, he stated that a two story office building is not economically viable. He noted that the main mass of the building is 39'-10" and the entry element is 49 feet. He noted that height variances have been granted for several buildings in the Waukegan Road/Settlers' Square business district and reviewed the heights of various buildings. He stated that the proposed medical office building, at the high point, in the center, will be lower than other buildings in the area.

Commissioner Athenson noted that the proposed height of the building is somewhat mitigated by the siting of the building away from the residential uses and toward Waukegan Road and the proposed six foot solid fence and shade trees.

In response to questions from Commissioner Athenson, Mr. Frigo acknowledged that some of the Iosue property is needed for the intersection improvement

project and the Iosue family is cooperating with the City and IDOT to make land available for that project. He stated that today, the parkway is minimal but will be re-established to the extent possible in the setback area after the widening of the intersection. He stated that the plan presented accounts for the land that will be needed for the intersection project. He acknowledged that the intersection improvement represents a tradeoff with the loss of some property but stated that Mr. Iosue supports the project and believes that it is needed to improve the safety and efficiency of the intersection. He confirmed that the hardscape on the site is impervious. He noted that there are planted islands throughout the parking lot and pedestrian walkways internal to the site.

Commissioner Moorhead stated that he is generally supportive of the project for all reasons stated. He stated that he will be interested to hear more about the parking and traffic study.

In response to questions from Commissioner Moorhead, Mr. Frigo stated that retail uses on the first floor of the medical office building were not considered for two reasons; retail is not doing well and retail uses require more parking than can be accommodated on the site. He explained that a medical office building is proposed recognizing the evolving healthcare industry. He stated that the corporate office market is not doing well. He pointed out that medical office tenants tend to be very stable because their patients become familiar and comfortable with the office location and because the cost of tenant improvements for medical office spaces are significant, much more than the normal cost of building out corporate office space.

Chairman Kehr thanked Mr. Iosue and the project team noting that the individuals involved are high quality professionals. She stated that the plan is very interesting. She stated that she sees one weakness with the plan, the limited amount of parking on the site. She stated that the plan as proposed provides 2.5 spaces per 1,000 square feet instead of the usual four or even five spaces per 1,000 square feet required by office and medical office buildings respectively. She noted that patients overlap and both the departing and arriving patients require on site parking. She questioned whether it will be difficult for physicians to keep their staff. She stated that it is important to provide sufficient on site parking to ensure the commercial success of the project in both the short and long term. She acknowledged that the cost of underground parking for a limited number of spaces is onerous but stated that to attract tenants initially, and to attract replacement tenants as well as lenders, there will need to be formal agreements in place to document the off-site parking arrangements. She noted that off-site parking on the east side of Waukegan Road will be more convenient while parking at the train station will require employees to cross Waukegan Road and the train tracks. She noted that as presented, the variance requested from the parking requirements is significant. She expressed concern about the limited parking near the coffee shop. She stated support for the patio located on the east side of the

coffee shop, interior to the site. She noted that the design of the project appears to provide a good buffer for the adjacent residential

In response to questions from Chairman Kehr, Mr. Frigo confirmed that the coffee shop is planned to have a limited number of tables and chairs inside and doors or windows that can be opened to the outdoors to essentially merge the inside and outside as weather permits. He noted that the opportunity for open air seating is more important now than ever before due to the pandemic. He noted that drive thru facilities are also very desirable right now. He pointed out the parking spaces that will most likely be used by patrons of the coffee shop. He stated that currently, there is an agreement between Mr. Losue and St. Patrick's Church to allow up to 15 parking spaces to be used by employees working at the 1025 W. Waukegan Road building. He said on a daily basis, about 10 employee vehicles are parked in that lot. He confirmed that currently, some of the employees of the 1025 W. Waukegan Road building park in the former Pasquesi lot since the parcel is vacant. He stated that of course it would be ideal to meet all of the parking needs on the site however he noted that the project is not viable with additional on site parking. He emphasized that the property owner, not the tenants, will enter into the agreements for off-site parking. He noted that at most medical office buildings, employees walk some distance from parking lots to the buildings. He confirmed that no parking for the development will be permitted on nearby streets.

Hearing no further questions from the Commission, Chairman Kehr invited public comment and swore in all those intending to speak.

Ms. Friedrich noted that a caller from earlier in the meeting, JoAnn Desmond, 1681 Yale Court, asked that she convey her support for the petition to the Commission.

Richard Sugar, 1059 Mar Lane, stated that he participated in the Comprehensive Plan review for this area and one of the discussion items was the parking lot at the train station and potential future uses. He noted that a parking structure was discussed to support parking needs in the larger area. He acknowledged that with the reduction in commuters, additional parking at the train station may not be necessary. He suggested that the petitioner think about valet service for the convenience of patients or employees. He stated, on behalf of the Lake Forest Chateau development, that the homeowners are delighted with the transparency of the process and the pride the Losue family has taken in the property. He commended the Losues for demolishing the building previously located on the site soon after acquiring the property. He acknowledged the time and effort put in to presenting an attractive solution for the gateway. He stated that although he is supportive of the project, he has no relationship with the petitioner or any of the consultants and no financial interest in the project. He stated that in his opinion, the project presents a great opportunity for the community.

Hearing no further requests to speak, Chairman Kehr invited any final questions from the Commission. Hearing no questions, she invited rebuttal to public testimony from the petitioner, hearing none, she invited further comments from staff.

Ms. Czerniak stated that staff has listened to the Commission's questions, suggestions and concerns and will work with the petitioner to provide answers and further detail. She stated that it would be helpful to proceed with Building Review Board review at this time. She stated that this matter will be returned to the Commission as quickly as possible for Plan Commission action.

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

Commissioner Freeman made a motion to continue the petition and the public hearing with an indication of overall support for the project and with the following direction to the petitioner and staff.

1. Present the plan to the Building Review Board for review and a recommendation on the design aspects and details of the site plan and buildings, the requested height variance and the landscape plan.
2. Consider what future uses might be appropriate and craft the approvals to provide the necessary flexibility to accommodate those uses.
3. Submit the traffic and parking study for review by the City Engineer.
4. Provide additional detail on parking. Clearly delineate all on site parking spaces. Delineate the vehicle travel lanes and pedestrian walkways. Include information documenting the square footage of each building for purposes of calculating the number of required parking spaces. For the office building, distinguish between the common areas such as the lobby, corridors, mechanical areas and restrooms and the useable office space. Provide detail on off-site parking agreements.
5. Prepare a detailed site plan with complete dimensions of all aspects of the plan including, but not limited to setback of building from the property line, perimeter landscape areas, internal green spaces and the existing and proposed buildings. Document the percent of building coverage of the site and total percent of green space and sidewalks on the plan.
6. Provide a summary of any sustainable (green) features that are incorporated into the site or the building.

To City staff:

7. Prepare detailed findings in support of granting a Special Use Permit incorporating the requested variances, properly detailed, for Commission review and final action once the above items are fully addressed by the petitioner.

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

**6. No Action/Introduction of Concepts Only: Presentation of preliminary concepts for the potential redevelopment of property located on the southwest corner of Deerpath and Bank Lane, currently the site of First Midwest Bank.**

Property Owner: First Midwest Bank

Contract Purchasers and Representatives: Peter Witmer, Todd Altounian

Chairman Kehr introduced the agenda item and asked the Commission members to declare any conflicts of interest or Ex Parte contacts. Hearing none, she invited introductory comments from staff.

Ms. Czerniak stated that the project is before the Commission for introduction only at this time and noted that a formal application for approvals has not yet been filed with the City. She noted that the petitioners will present a redevelopment concept for the site and invite early feedback from the Commission. She noted that since a formal petition has not yet been filed, the Commission can invite public comment however, this meeting is not a formal public hearing on the petition; that will come later. She clarified that no action is requested from the Commission on this item, at this time.

Mr. Witmer introduced the item and stated that he and Mr. Altounian are the contract purchasers of the property at 241 E. Deerpath owned by First Midwest Bank. He stated that the property is located on the southwest corner of Deerpath and Bank Lane, in the Central Business District and in the Historic District. He stated that as part of the redevelopment plan, the bank will remain on the property in a smaller footprint, with a presence on the Deerpath streetscape and one drive through teller lane. He noted that currently, the building, multiple ATM lanes and the large parking lot are oversized for the bank's needs. He noted that the planned redevelopment will be a mixed use with first floor retail, service business and residential and second and third floor residential. He stated that underground parking will be provided noting that the site slopes in a way that lends itself to underground parking. He stated that a curb cut is envisioned at the southeast corner of the site. He stated the plan will work well with the concept of making Bank Lane one-way to the south from Deerpath noting that concept was recently discussed as part of the Deerpath Streetscape Improvement project. He stated that an open area is envisioned at the corner of Deerpath and Bank Lane with the building setback from the street to provide public open space on the street with plantings and perhaps benches. He noted that the streetscape along Bank Lane

will be enhanced as part of the project to make Bank Lane an inviting pedestrian corridor. He stated that the residential units will have terraces and outdoor spaces creating a somewhat urban environment with great views of the buildings in the Central Business District. He stated that the idea of locating the drive through lane for the bank in the underground garage is being studied to avoid visibility of the facility from the streetscape. He stated that the vision is for residential units of about 2,500 square feet with shared small lobbies and elevators. He stated that the massing of the building will relate to other buildings in the immediate area.

Ms. Czerniak noted that by the time this project is before the Commission for formal review, the Deerpath Streetscape Improvement Plan will likely be completed and will be provided to the Commission as background to allow evaluation of this project in the context of that recently developed plan.

In response to questions from Commissioner Dixon, Mr. Witmer stated that the new building as envisioned will be close to the height of the Northern Trust Bank building to the east, slightly taller than the 225 E. Deerpath building to the west and smaller than the Arcade Building across the street to the north. He noted that the residential units will have assigned underground parking spaces and parking for the commercial uses will be located in another part of the garage. He acknowledged that the building will provide a more urban-type living option than is currently available. He noted that providing some open space and green space as part of the project along the streetscape and for the individual units will be important.

In response to questions from Commissioner Freeman, Ms. Czerniak stated that the discussion of designating some streets as one-way would ultimately be a City Council decision. She stated that the concept will likely be part of the Comprehensive Plan update discussion. She noted that based on due diligence around the idea completed to date, it appears workable and could serve to reduce congestion on Deerpath.

Commissioner Dixon agreed that creating a one way traffic pattern on Bank Lane could help to address traffic issues for the surrounding neighbors.

Commissioner Moorhead asked that when the project returns to the Commission, additional details on the underground bank drive through be provided. He asked how this project fits with the recent discussion about the McKinley Redevelopment project which supports increased residential densities east of the railroad tracks and retail and office uses west of the tracks. He questioned whether the residential envisioned for the interior spaces on the first floor will be marketable. In response to questions from Commissioner Athenson, Mr. Witmer stated that it is possible that some of the residential units could be rental units. He stated the mix of units has not yet been determined.

Commissioner Athenson questioned the concept of balconies along Deerpath and how they will relate to the historic buildings in the area. She encouraged the developer to be aware of the need for light and vent for residential units and the proximity of the building to other buildings in the area. She noted the importance of selecting a strong and compatible architectural style for the building given its prominent location. She noted some concern about apartments on the first floor of the building as opposed to a commercial use. She questioned the scale of the building noting that outdoor living space on the rooftop functions as a fourth floor.

Commissioner Artmann-Ruggles stated that the vision is very interesting for the Central Business District. She agreed with Commissioner Athenson that the siting of the building in relation to the adjacent buildings should be carefully considered.

Chairman Kehr agreed with the comments of the other Commissioners. She questioned the desirability of the residential units that face west. Hearing no further comments from the Commission, she invited public comment. Hearing no requests to speak from members of the public, she invited final comments from the Commission. Hearing no further comments from the Commission, she thanked the petitioner for the early look at the project and stated that the Commission looks forward to seeing the plans as they are further developed.

## **7. Additional public comment on non-agenda items**

There was no public comment on non-agenda items.

## **8. Additional information from staff.**

No additional information was presented by staff.

The meeting was adjourned at 10:59 p.m.

Respectfully submitted,

Catherine Czerniak  
Director of Community Development