

Plan Commission Meeting – September 9, 2020
Agenda Item 3

Westwood Center – 950 N. Western Avenue
Special Use Permit Request – Donati's Pizza/Jefe's Tacos

Staff Report and Recommendation
Vicinity Map
Air Photo

Information Submitted by the Petitioner

Application
Statement of Intent
Site Plan – Tenant Location
Floor Plan

***Materials shown in italics are provided in the Plan Commission packets only.
A complete packet is available for review in the Community Development Department.***



STAFF REPORT AND RECOMMENDATION

TO:	Chairman Kehr and members of the Plan Commission
DATE:	September 9, 2020
FROM:	Catherine J. Czerniak, Director of Community Development
SUBJECT:	<i>Special Use Permit – New Restaurant in Westwood Center, 950 N. Western Avenue</i>

Property Owner

Westwood Square LLC
13110 W. Highway 137
Lake Bluff, IL 60044
(Todd Altounian 25%,
Nicole Altounian 25%,
Jennifer Bianchi 25%
James Altounian II 25%)

Property Location

950 N. Western Avenue

Zoning District

B-2, Community Commercial

Tenant – Restaurant Owner

Jeff Urso

Summary of Request

This is a request for a Special Use Permit to allow a new restaurant to occupy space fronting on the court yard in the Westwood Center commercial development. Westwood Center is a multi-tenant, mixed use development located on the southwest corner of Western Avenue and Woodland Road, in the B-2 Community Commercial District. The Plan Commission recently considered a request for a different new restaurant at Westwood Center, Scouts. Scouts Restaurant was proposed in the tenant space fronting on Western Avenue. Scouts Restaurant is not moving forward. The restaurant now proposed is located in a portion of the space previously proposed for Scouts, 2,200 square feet with frontage on the interior courtyard.

The new restaurant, Donati's - Jefe's, will offer food choices, pizza and tacos, and will offer customers the choice of pick-up, delivery or casual dining on the premises. The adjacent courtyard provides the opportunity for outdoor seating on a seasonal basis. As the Commission is aware, restaurants now, more than ever, need to have flexibility in serving customers.

Review Process

Restaurants and bars are permitted outright in the B-2 zoning district except when located within 150 feet of property zoned for residential use. Restaurants proposed within 150 feet of a residential zoning district may only be authorized through a Special Use Permit. Despite the fact that the proposed restaurant is located internal to the Westwood Center development, the tenant space is within 150 feet of a residential zoning district and therefore, is presented to the Commission for consideration of a Special Use Permit consistent with the Code requirement.

The Special Use Permit process provides for a public hearing before the Plan Commission. The Commission is required to evaluate special use requests for restaurants based on the standard Special Use Permit criteria and on the performance standards that apply specifically to restaurants. The criteria and standards are reviewed later in this staff report. As part of the special use process, the Plan Commission has the ability to recommend conditions to the City Council if the Commission determines that approval of the request, with some limitations and requirements, is appropriate. Conditions of approval as part of a Special Use Permit can impose a higher bar for restaurants located within 150 feet of residentially zoned properties than for restaurants located more centrally within the business district. Conditions of approval were established for the previous restaurants that operated in this commercial development to mitigate the impacts of light, noise and general activity on neighboring homes.

Description of the Site and Surrounding Area

Westwood Center, located at the northern end of the City's Central Business District, has been home to a variety of retail uses, service businesses, restaurants and office tenants over the years. This commercial center is a short walk from the new residential development at Laurel and Western Avenues which includes apartments, condominiums and single family homes. The West Park residential neighborhood is immediately adjacent to Westwood Center to the west and to the north, Regent's Row, a row house development is located further to the north on Western Avenue. Crystal Point condominiums and other multi-family developments and single family homes are located further north along Western Avenue. To the east, residential neighborhoods are located within a short walk or drive of Westwood Center. In summary, there is a significant population of residents within walking distance of this commercial development providing a strong customer base. Also of note, many Lake Forest residents are currently customers of Donati's located in Lake Bluff, the City receives frequent comments from residents supporting Donati's return to Lake Forest.

Westwood Center in its entirety was acquired over a year ago by a local family. In past years, the development suffered from a lack of attention to maintenance by the previous owner and as a result, many tenants vacated the development and there were some conflicts with the adjacent residential neighbors. The new owners have already completed significant upgrades to the exterior of the building and interior spaces. There is more work to do, however, the upgrades to date are receiving compliments from many in the community. The new owners are reactivating the center with a mix of tenants to meet the needs of the growing number of residents living in the area, provide services and amenities to the larger Lake Forest community, and attract visitors from outside the community to patronize local businesses.

Westwood Center, like many locations within the City's linear Central Business District, abuts single family homes. This juxtaposition can create conflicts while at the same time, providing a unique amenity to residents in the neighborhood who are able to walk to restaurants, retail stores and service businesses. Together, the residential neighborhoods and the Central Business District create a character that is uniquely Lake Forest. Establishing operating parameters that allow the adjacent uses to co-exist is facilitated through the special use process.

As with all areas where different types of uses abut each other, there are advantages and disadvantages. The Westwood Center property is zoned for and has a history of commercial use and the proposed restaurant is consistent with the intent of the B-2 zoning district. The details of how the site operates and is maintained on a daily basis are keys to compatibility with the

neighboring uses. There will be conflicts from time to time, staff has encouraged the property owner to keep an open dialogue with neighboring residents and to respond to any issues that may come up in a way that balances the interests of all parties.

Overview of Donati's – Jefe's Restaurant

As noted above, a new restaurant, designed to service customers in various ways, proposes to occupy space fronting on the courtyard in Westwood Center. As noted above, the new Donati's – Jefe's will not have frontage on Western Avenue, preserving those spaces, with high visibility for future tenants who may not benefit from the name recognition among Lake Forest residents as Donati's does. The restaurant will be designed to easily accommodate customers who wish to pick up food, receive deliveries or casually dine on the site. The new restaurant will be operated by Jeff Urso who has past restaurant experience in Lake Forest and currently has a successful business in Lake Bluff which is planned to remain in operation. The new Lake Forest location will allow Mr. Urso to more effectively and efficiently meet the customer demand.

The restaurant will operate seven days a week, serving lunch and dinner, from 10 a.m. to 9:00 p.m. As the weather permits, outdoor dining will be available in the center of the Westwood Center complex. The courtyard will offer open air dining but in a location encircled by the existing building which will buffer noise, light and activity from the neighboring homes to the west and north.

Staff Evaluation

Provided below is an evaluation of the **Performance Standards** for restaurants. The Performance Standards, like the special use criteria, are part of the City Code.

Performance Standard - Availability of parking

Westwood Center differs from many other developments and commercial buildings located in the Central Business District because there are a significant number of parking spaces on site. In addition to the surface parking lot on the northern portion of the site, which has 24 spaces, there is parking underneath the building for about 60 cars.

The spaces in the surface lot and in the underground garage are shared by all of the tenants in the building. The majority of businesses in the development, particularly the second floor office tenants, are daytime businesses so in the evenings, most of the spaces on the site will be available for customers of the restaurants. Public parking for customers is also available on both sides of Western Avenue. Currently, in the evenings, the Western Avenue parking spaces in the immediate area are unused with the exception of the spaces closer to the entrance to Jewel. Employee permit parking is available on the east side of the railroad tracks, no permits are required for parking in these lots in the late afternoons and evenings.

Importantly, given the convenient location, it is expected that some customers, from the surrounding residential areas, will walk to the restaurant.

The owners of Westwood Center will be responsible for advising all tenants that the on site parking, both the surface parking and underground parking, is intended for customers first and foremost, not employees. During peak customer hours, the building management must require employees of all of the businesses in Westwood Center to park in the Central Business District employee parking lot on the east side of the railroad tracks. Westwood Center has a distinct

advantage over many other businesses in the Central Business District because employees will have only a short walk along Woodland Road, under the lighted viaduct, to the off site employee parking lot on McKinley Road, east of the railroad tracks.

No employee or customer parking is permitted on streets in the adjacent residential neighborhoods. Community Development staff will work with the property and business owners and the City's Police Department to assure that parking for Westwood Center does not occur on residential streets. With the available parking on the site, on Western Avenue and in the parking lot on the east side of the railroad tracks; parking in adjacent residential neighborhoods has not been an issue in the past. If parking by employees or customers of the restaurants, offices or other businesses in Westwood Center does occur on residential streets, the City will take action promptly to stop that activity. This staff report includes a recommendation prohibiting employee and customer parking on residential streets.

Performance Standard – Building Review Board Approval

No exterior alterations are proposed as part of this petition. If the proposed signage for the business does not conform to previous approvals for the building, Building Review Board review may be required.

Performance Standard – Issuance of a Liquor License

The City Council has jurisdiction over issuing liquor licenses and determining whether businesses should or should not be permitted to serve or sell alcohol. If a liquor license is desired, application for a liquor license must be made to City Hall and considered by the City Council. The sale of alcohol is not regulated by a Special Use Permit.

Liquor licenses granted by the City Council establish hours during which liquor can be sold. Most liquor licenses allow the sale of alcohol between the hours of 11 a.m. and midnight. The petitioner states that the new restaurant will close at 9 p.m. daily.

Performance Standard – Ventilation Systems

The City Code requires the installation of high quality air filtration systems and ventilation systems for all restaurants. Plans for the system will need to be submitted to the City for review and approval prior to the issuance of a building permit to allow buildout of the restaurant to proceed. The system will be inspected and must pass City inspections prior to the issuance of a Certificate of Occupancy to allow the restaurant to open.

The Code requires the submittal of confirmation of regular maintenance and cleaning of the ventilation systems in restaurants to the City on an ongoing basis.

Performance Standard – Amplified Sound

No amplified sound is proposed in conjunction with this restaurant.

Performance Standard – Schedules for deliveries and trash pickup

Hours for deliveries to restaurants and trash pickup for the overall Westwood Center development are limited to 7 a.m. to 6 p.m. The owner of the new restaurant states that deliveries will not be accepted before 8 a.m. Deliveries will be made on the south side of the building or through the front door, off of Western Avenue.

Although the Performance Standards in the Code do not specifically address deliveries *from* the restaurant to customers. Delivery service is planned as part of the new restaurant. The petitioner addresses delivery operations in the statement of intent noting that delivery drivers will stage in the underground parking area. There is a direct stairway from the new restaurant space to the parking garage. The alley will not be used by deliver drivers for staging or pickups. The north/south portion of the alley is immediately adjacent to the rear yards and private spaces of adjacent homes and in the past, activity in the alley, staging for deliveries, resulted in complaints from neighboring residents. Staging the drivers in the parking garage minimizes the potential for impact on neighboring property owners.

The trash from the restaurant will be housed in the alcove provided for a dumpster located on the south side of the building. Per City Code, trash and grease must be kept in a closed containers. As noted in the petitioner's statement of intent, trash will be collected no less than three times a week.

Performance Standard – Minimizing impacts on single family homes: light, noise, traffic
The proposed restaurant will be located in an existing commercial building. Delivery trucks and other users of the alley shall only enter the alley *from* Woodland Road and *exit* on to Western Avenue to minimize the impact of headlights and noise on the neighborhood. The building owner shall provide appropriate signage and is responsible for enforcement. As noted above, conditions are proposed at the end of this report prohibiting the use of the alley as a staging area for deliveries or a break area for employees from any of the businesses at Westwood Center. Various conditions of approval as recommended at the end of this report are proposed in an effort to minimize impacts on the adjacent residential neighborhood.

Provided below is an evaluation of the **Criteria for Special Use Permits** in the City Code.

Special Use Permit Criteria #1: The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed restaurant is consistent with other uses in the Central Business District and is not unlike other uses that are located in proximity to the residential neighborhoods that border the full length of the City's business. In general, the business and residential uses have been able to co-exist for many years. Issues do come up at various locations from time to time and efforts are made to resolve them by working with all parties to assure that both the residential neighborhoods and the business district thrive.

The continued operation of Westwood Center as an upgraded and fully occupied commercial development, with increased attention to operations and maintenance, will not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

Special Use Permit Criteria #2: The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish and impair property values within the neighborhood.

The proposed new restaurant is consistent with the commercial nature of the Westwood Center development and generally consistent with the type of uses that have existed at this location in

the past. The proposed use, if operated consistent with the recommended conditions of approval, will not be injurious to the use and enjoyment or value of properties in the immediate area. Importantly, the restaurant operator is experienced, and known and respected in the community. The proposed restaurant will be an amenity to the neighboring residential area and add vitality to the City's business district.

Consistently, resident surveys have indicated an interest in bringing new restaurants into the City's business district. In addition, the City's Strategic Plan places a high priority on encouraging new businesses to bring increased activity into the City's core and support property values throughout the community.

Special Use Permit Criteria #3: The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. In business districts, the special use will not negatively affect the overall character of the area or detract from the primary retail nature of the district.

The surrounding area is already developed. The proposed restaurant will likely help to attract other tenants to Westwood Center to provide options and meet the needs and interests of the growing residential population located within walking distance of this commercial development. The proposed restaurant will add to the vitality of the Central Business District and offer an additional dining option in the City's core area. The proposed restaurant, if operated consistent with the proposed conditions of approval, will not negatively affect the overall character of the area and will support and enhance the business district.

Special Use Permit Criteria #4: The exterior architectural appearance and functional plan of any proposed structure will not be incompatible with existing buildings, sites, the larger neighborhood or district so as to cause a substantial depreciation in the property values.

No new buildings are proposed. Exterior renovations to the building are nearly complete and were previously approved by the Building Review Board.

Special Use Permit Criteria #5: Adequate utilities, access roads, drainage and or necessary facilities have been or are being provided.

Adequate utilities and other infrastructure are in place to serve the new restaurant which will be located in an existing commercial development.

Special Use Permit Criteria #6: Adequate measures have been or will be taken to provide ingress and egress.

This is an existing commercial site. No changes are planned to the location or configuration of the curb cuts. The alley is designated for one-way travel, allowing entry to the alley from the north and exit on to Western Avenue, into the commercial district, rather than into the residential neighborhood.

Special Use Permit Criteria #7: The special use shall conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the City Council as part of the Special Use Permit.

As recommended, the Special Use Permit for the proposed restaurant will allow operation of the restaurant in a manner consistent with the regulations of the B-2, Community Commercial Business District. No variances from the regulations of the district are requested and the recommended conditions of approval will put operating parameters in place for the new restaurant and the overall Westwood Center.

Correspondence and Public Testimony

Notice of this petition was provided in accordance with the Code requirements. A legal ad was published in a newspaper with local circulation. Notices of the public hearing were mailed to residents in the surrounding area by the petitioner and by the City. The agenda for this meeting was posted at public locations and on the City's website.

Staff Recommendation

Based on the findings presented above, recommend approval of a Special Use Permit to authorize Donati's – Jefe's, restaurant, to locate and operate in Westwood Center at 950 N. Western Avenue. The following conditions are recommended recognizing the location of the restaurant partially within 150 feet of properties zoned for residential use.

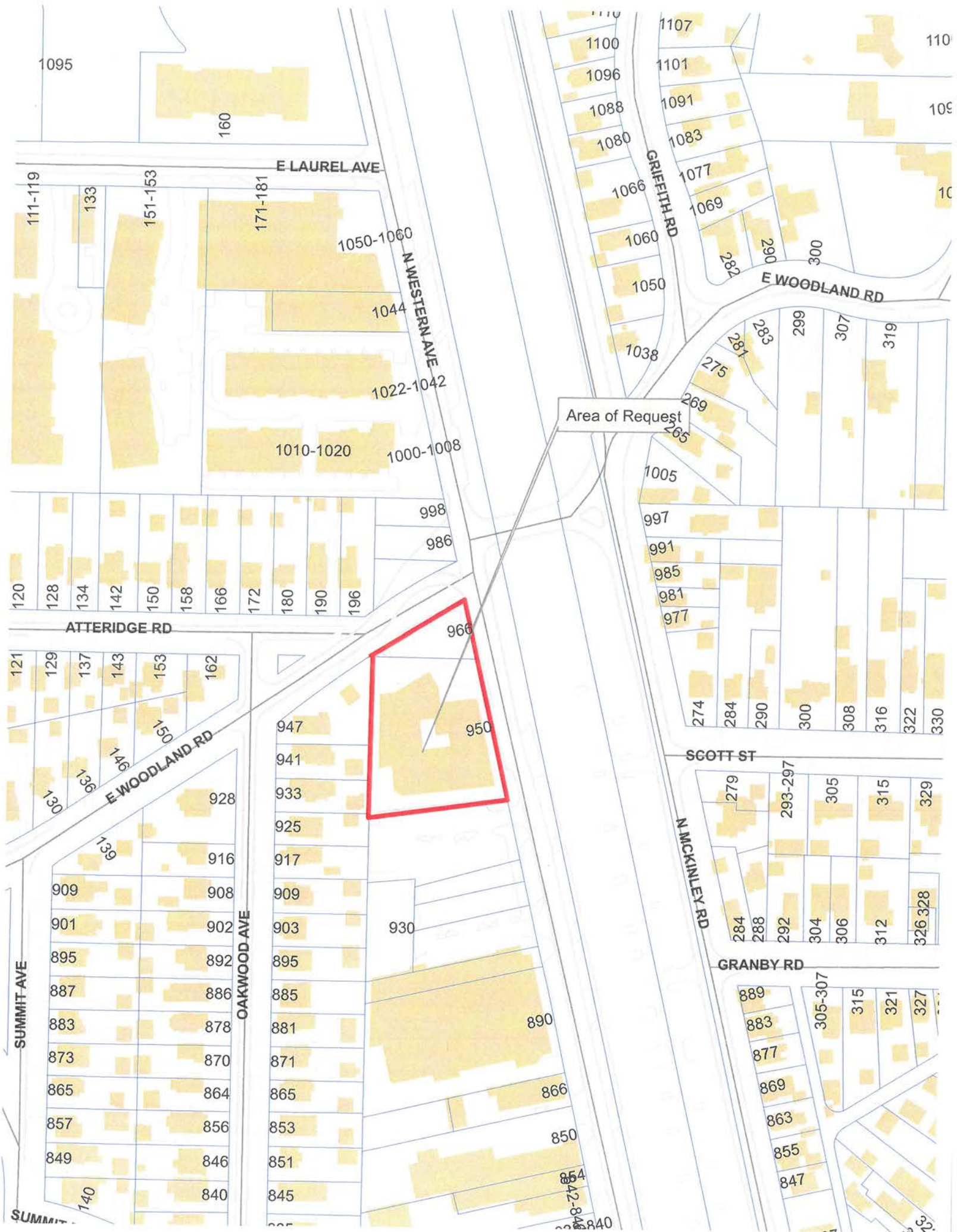
Conditions pertaining to the overall Westwood Center Site (from previous approvals)

1. Perimeter fencing, retaining walls and landscaping at the north and west boundaries of the site shall be regularly inspected and maintained by the property owner. The fence must remain sturdy and in a full upright position, with all fence panels in place and in good condition. The retaining wall must remain in a solid and sturdy condition; any loose materials must be replaced. Landscaping along Woodland Road must be maintained in good condition and replaced as necessary, subject to the determination of the City's Certified Arborist, to provide substantial screening along the fence.
2. Vegetation along the public sidewalk on Woodland Road must be kept trimmed and may not obstruct or endanger pedestrian or bicycle traffic on the sidewalk.
3. Use of the alley on the south and west sides of the building shall be limited as follows:
 - The alley shall be used only for deliveries, trash pick-up and by emergency and security vehicles.
 - No parking, standing or staging of vehicles, other than for the purposes noted above, is permitted.
 - No portion of the alley shall be used as a drive thru or staging area for pick up by individuals, delivery services or by restaurant delivery personnel.
 - No gathering, loitering or smoking in the alley is permitted.
 - A sign shall remain posted stating that deliveries and trash pickup is permitted only between the hours of 7 a.m. and 6 p.m., on weekdays.
4. The property owner is responsible for establishing parking policies that give priority to customer parking, rather than employee parking, on the site. The property owner is responsible for monitoring parking activities and working with all of the tenants on an ongoing basis to assure compliance with the policies. The policies shall address the following:

- a. Employees shall park off site in the Central Business District employee parking lot on McKinley Road during peak customer times.
- b. No employee parking shall be permitted on Western Avenue.
- c. No parking by employees or customers shall be permitted on residential streets.

Conditions Specific to Donati's – Jefe's Restaurant

5. Signage, if not consistent with the previously approved signage for the overall building, shall be subject to review and approval by the Building Review Board.
6. Documentation of maintenance and inspection of the ventilation system must be submitted to the City on a regular basis after installation and after the opening of the restaurant.
7. Delivery drivers shall queue in the underground garage. No delivery drive access or staging shall occur in the alley.
8. All activity in the outdoor courtyard shall end no later than 30 minutes after the business closes. No gathering in the courtyard by customers or employees is permitted after hours.
9. During peak hours, the restaurant owners are responsible for assuring regular monitoring of the parking lots and neighboring residential streets to verify that parking is occurring consistent with the established policies and to take corrective action if necessary.
10. The property owners and restaurant owners are responsible for informing and directing employees and customers to appropriate parking areas. As necessary, the owners shall inform City staff of recurring parking or circulation issues on the site and corrective action shall be taken.



WOODLAND ROAD

Area of Request

WESTERN AVENUE





**Application for Plan Commission Review
Special Use Permit - Central Business District – New Use**

PROPERTY

ADDRESS 950 N Western Ave
Business

ZONING DISTRICT Central

EXISTING USE Empty

PROPOSED USE Casual Takeout Restaurant Tacos & Pizza. Donati's Pizza Jefe's Tacos

EXPANSION OF EXISTING USE YES NO X

VARIANCE REQUIRED YES NO X

APPLICANT

Name Jeff Urso Donati's

Address: 205 S Waukegan

Lake Bluff IL 60044

Phone: 847-735-8900

Relationship to Property: Tenant
(Owner/Tenant/Attorney)

PROPERTY OWNER (if different from applicant)

Name Westwood, LLC-
Jennifer Bianchi, Todd Altounian,
Nicole Altounian, James Altounian II
Address 13110 Rockland Rd #1
Lake Bluff IL 60044

Phone: 847-234-8600

BENEFICIAL INTERESTS

Corporation _____ (see exhibit A)
Partnership _____ (see exhibit B)
Trust, land or other _____ (see exhibit C)

I have read the complete application packet and understand the Special Use Permit process and criteria.
I understand that this matter will be scheduled for a public hearing when a determination has been made
that my application is complete.

SIGNATURES

Jennifer A. Bianchi 8-26-2020
Owner Date
Todd Altounian 8-26-2020
Owner Date
Jeff Urso 8-26-2020
Applicant Date

[Type here]

APPLICANT'S REPRESENTATIVES

ARCHITECT Edward Deegan

ATTORNEY N/A

FIRM Edward Deegan Architects

FIRM _____

ADDRESS 503 Park Ave Drive #4

ADDRESS _____

Kenilworth IL 60043

PHONE 847-906-4110

PHONE _____

ENGINEER N/A _____

BUILDER Todd Altounian

FIRM _____

FIRM Altounian Construction

ADDRESS _____

ADDRESS 13110 Rockland Rd Ste 1
Lake Bluff IL 60044

PHONE _____

PHONE 847-234-8600

SURVEYOR N/A

LANDSCAPE ARCH. N/A _____

FIRM _____

FIRM _____

ADDRESS _____

ADDRESS _____

PHONE _____

PHONE _____

ARBORIST N/A _____

OTHER N/A _____

FIRM _____

FIRM _____

ADDRESS _____

ADDRESS _____

PHONE _____

PHONE _____

EXHIBIT "A"

CORPORATE OWNERSHIP

Please list the names and addresses of all officers and directors of the Corporation and all shareholders who own individually or beneficially 5% or more of the outstanding stock of the corporation. In addition, this application must be accompanied by a resolution of the Corporation authorizing the execution and submittal of this application.

NAME Jennifer Altounain/Bianchi

ADDRESS 13110 W Rockland Rd #1

Lake Bluff IL 60044

OWNERSHIP PERCENTAGE: 25%

NAME _____

ADDRESS _____

OWNERSHIP PERCENTAGE _____ %

NAME Todd Altounian

ADDRESS 13110 W Rockland Rd #1

Lake Bluff IL 60044

OWNERSHIP PERCENTAGE: 25%

NAME _____

ADDRESS _____

OWNERSHIP PERCENTAGE %

NAME Nicole Altounian

ADDRESS 13110 W Rockland Rd #1

Lake Bluff IL 60044

OWNERSHIP PERCENTAGE: 25%

NAME _____

ADDRESS _____

OWNERSHIP PERCENTAGE _____ %

NAME James Altounian II

ADDRESS 13110 W Rockland Rd #1

Lake Bluff IL 60044

OWNERSHIP PERCENTAGE: 25%

NAME _____

ADDRESS _____

OWNERSHIP PERCENTAGE _____ %



8/25/2020
Donati's Pizza
205 S Waukegan Rd, Lake Bluff

Intent to lease property 950 N Western Ave, Donati's Pizza

Donati's Pizza intends to lease a 2200 sq foot section of property from Westwood LLC located at 950 N Western Ave, Lake Forest. Donati's Pizza and Jefe's Tacos will have a unique concept that allows customers to experience a fast casual take-out restaurant for traditional taco restaurant and a carry-out operation for pizza. We will have two (2) store fronts but have one shared kitchen. This will allow delivery operations, staff management, health/safety protocols to be managed easily and effectively.

Background: My name is Jeff Urso and I founded Donati's at this same location in 2010. At the time I was a 24 year old new restaurateur. We grew fast and continued to expand in the building until 2015, at which point we ended our lease with the former owner of the property over disputed issues. Since 2015 Donati's has been located in Lake Bluff and we have 30 great team members in our rotation. We are proud to be a community invested company. I am raising my three boys in Lake Bluff with my wife Kamila. Since we were raised in this community and we are raising our family in the community we continue to invest our time and energy in the community including food drives, working with all our local schools and sports teams and overall trying to enrich the restaurant experience in the area. We know we are part of something great in Lake Forest and Lake Bluff and we want to continue our work of having a meaningful and positive impact in our community.

Parking: Westwood has great parking for our patrons, as there are two lots one above ground and one below. In addition, there is plenty of street parking on Western. Since our business model is primarily carry-out, most customer will be parking for 15 minutes or less (usually 5 or less), keeping the parking spaces free and open. The majority of our sales will be driven in the dinner hours past 5pm, since most of the other professional service businesses are closed, this will put even less pressure on the parking. At Donati's of Lake Bluff, we typically have 50 pick up/carry-outs on a daily average, most of which are at night and on weekends. We intend to offer curbside pick up for customers with the hope they use the upper lot or street parking on Western.

Delivery Operation: Our delivery team members would park in the basement as the south stair case would be accessible directly from our proposed unit. Typically we have 3-4 drivers Monday through Thursday nights, with an influx on weekends up to 8. Since the primary business hours are after 5pm, we don't anticipate on bothering any other businesses by use of the basement spaces. Most drivers are in and out, typically only 2 are stationed at the store at a time. During the daytime/lunch hours we anticipate only keeping 1-2 drivers on staff to handle local residential orders, as our Lake Bluff location is located on a major intersection and easier to route corporate business.

Team members: Our staff projections will be on average 5-6 team members (non-drivers) at the store during hours of operation. Between the train station being located 2 blocks away and remote parking available, staff members will not park on site.

Vendors coming in/out of site. We use Greco food service and Reinhart food service as our main vendors. Both Greco and Reinhart are major purveyors throughout Lake Forest at the other in town restaurants,

including Chiefs, Francesca's, The Lantern, Ferentino's, Market House and more. We will not accept deliveries before 8am, and deliveries will use the back to deliver deliveries as is common practice for Peanut Gallery and the Bistro. Since the back of our unit faces Jewel, we don't anticipate causing any issues for neighbors on Oakwood. Grease trap, and refuse collections will be done by Groot or other major companies and will be done at the same schedule as other local restaurants in downtown Lake Forest. Our refuse will be collected no less than 3 times per week.

Hours of operation: We intend on being open from 10am-9pm daily. Which is typical and matches or closes earlier than other pizzerias and Taco restaurants in Lake Forest.

Walkways: Our drivers will be exiting the parking ramp on to Western. Our drivers will take all precautions in ensuring safety for pedestrians as they walk through. Donati's operated at this location from 2010-2015 and had no issues with pedestrian safety and we intend to continue our current safe practices.

Ventilation: Our Hoods from our pizza oven, and stove tops will be vented to the roof. We will be further towards Western than both the Peanut Gallery and the Bistro and do not anticipate any odors negatively impacting the neighborhood.

Courtyard: Since we are in the courtyard of 950 N Western, our lighting, seating and activities will not be seen from either Woodland or Western. We will close at 9pm daily which is typically or before other restaurants in the area.

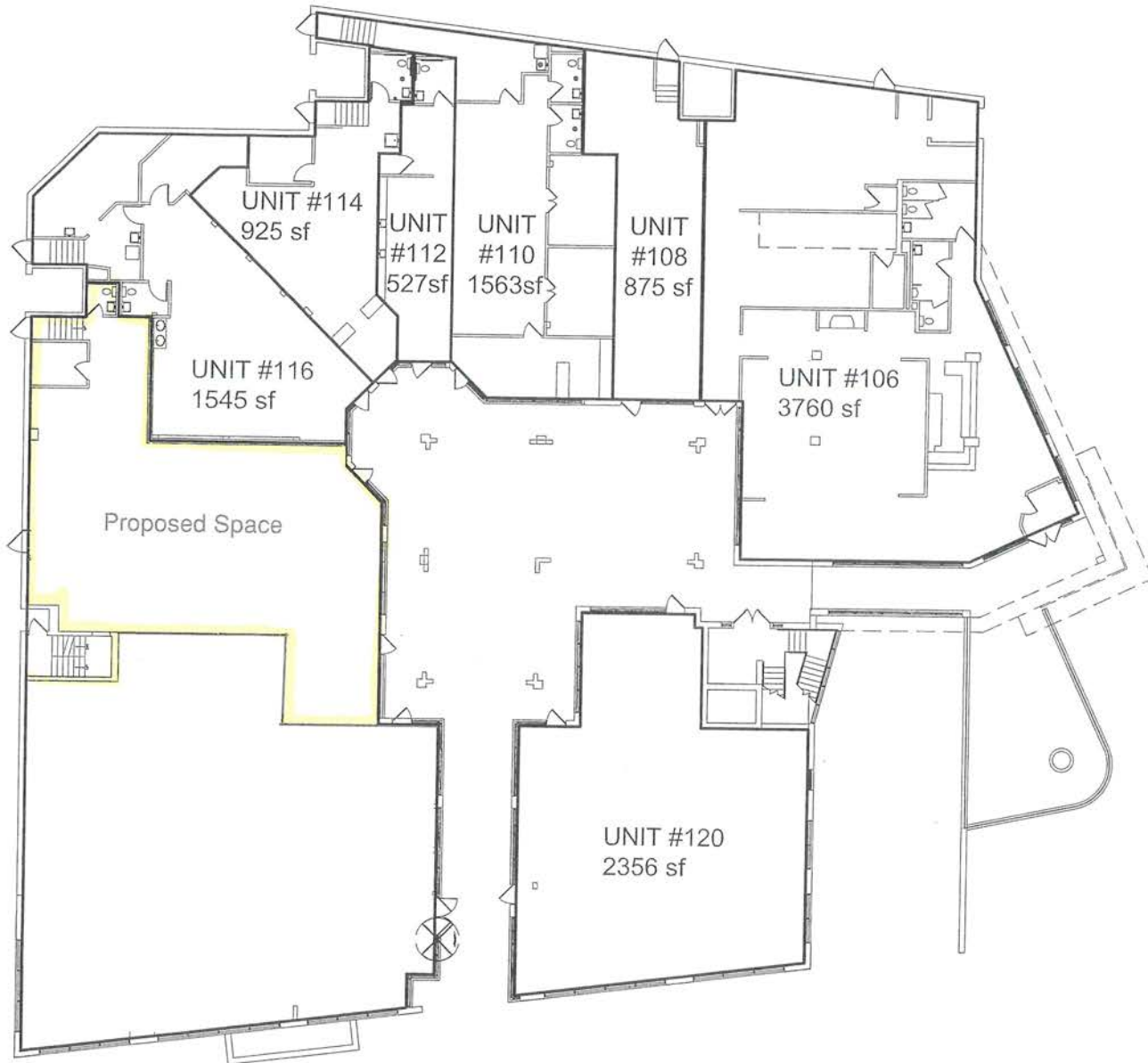
Signage: We will follow all sign regulations set forth by the City of Lake Forest and the property owner to conform with other businesses in the center.

We hope the board will issue a Special Use Permit to Donati's/ Jefe's. We will continue to keep everything first class and better our community. We are excited to work with the current property owners the Altounian Family who's reputation speaks volume on their maintenance and management of first class properties in town. We look forward to building and enhancing the restaurant experience for Lake Foresters.

Jeff Urso

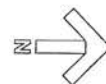
Jeffrey J Urso

Founder and Team Leader Donati's Pizza



W

Witmer & Associates
Architecture and Interior Design
witmerandassoc.com



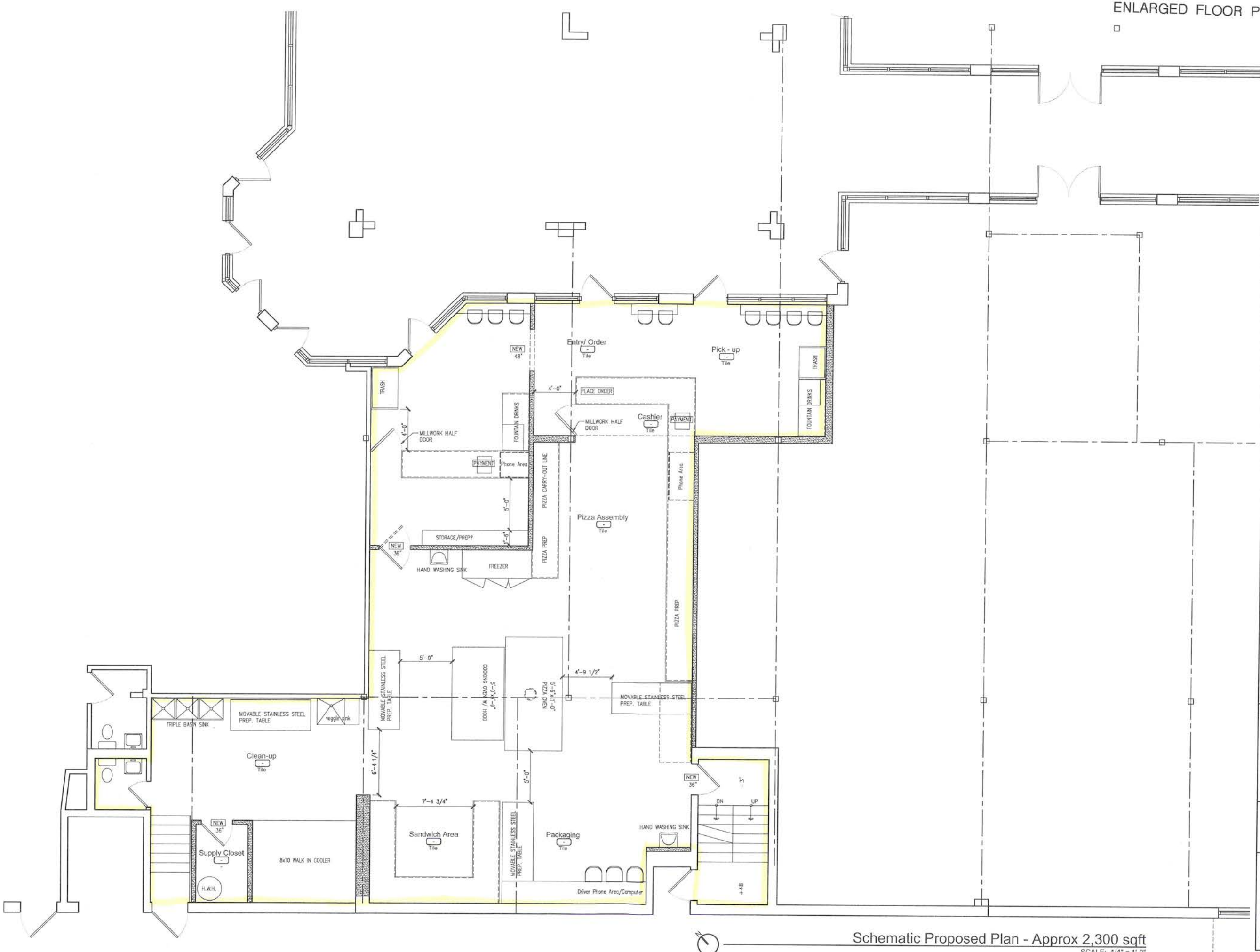
WESTWOOD CENTER
FIRST FLOOR PLAN

2019.04.29

SCALE: N.T.S.



REVISION NO. DATE



Donati's Pizza

950 North Western Ave.
Lake Forest, IL 60045

**EDWARD
DEEGAN
ARCHITECTS**
659 Park Drive, #4
Naperville, IL 60563
(847) 505 - 4110
www.edwarddeeganarchitects.com

SUBMISSION	DATE
Schematic	xx.xx.2020
Budget	
Permit	
Bid	
Construction	
Interiors	

Title:
Schematic Plans

Proposed

Sheet No.
A 1.0
Project No. 20.45

Schematic Proposed Plan - Approx 2,300 sqft
SCALE: 1/4" = 1'-0"

**Plan Commission Meeting – September 9, 2020
Agenda Item 4**

**Gimbel Subdivision – Plat Amendment
211 W. Westminster**

Staff Report and Recommendation
Vicinity Map
Air Photos
Gimbel Subdivision – Recorded Plat
Gimbel Subdivision – Enlarged Plat Notes

Materials Submitted by Petitioner
Application
Statement of Intent

Correspondence

*The complete Plan Commission packet is available for review in the Community Development Department
and on the City's website, www.cityoflakeforest.com*



STAFF REPORT AND RECOMMENDATION
Gimbel Subdivision – Amendment to Plat

TO:	Chairman Kehr and Members of the Plan Commission
DATE:	September 9, 2020
FROM:	Catherine Czerniak, Director of Community Development
SUBJECT:	Request for Amendments to the Previously Approved and Recorded Plat of Subdivision – 211 W. Westminster

OWNER

Oakmont Partners, LLC
Nancy S. Donovan 100%
211 W. Westminster
Lake Forest, IL 60045

PROPERTY LOCATION

211 W. Westminster, south side of
Westminster, west of Green Bay
Road

ZONING

R-4 Single Family
Residence District

REPRESENTATIVE

Michael Adelman, Attorney

Summary of the Request

This is a request for amendments to the plat of subdivision for the previously approved Gimbel Subdivision. **No change to the number of lots, setbacks or buildable area are proposed.** The following changes to the plat of subdivision are requested.

- Removal of the restrictive covenant requiring access to Lot 1 from the existing driveway which is located along the west side of Lot 1 and currently provides the sole access to Lot 2.
- Approval of a single curb cut from Westminster. The plat as recorded does not permit an additional curb cut on Westminster for Lot 1. The plat requires access to Lot 1 from the existing driveway serving Lot 2 as noted above.
- Removal of a portion of the Conservation Easement along the south property line, the portion that is currently lawn area. (The Conservation Easement is an area of protected vegetation delineated on the plat of subdivision.)
- Amendment of the plat note requiring Building Review Board Review of a new home on Lot 1 to reflect that due to the creation of the Historic Preservation Commission since the recording of the plat, that Commission now has design review authority for this property.

Process

This petition is before the Commission for a public hearing and consideration of the amendments to the previously recorded Gimbel Subdivision plat. Importantly, no resubdivision is requested. No

change to the number of lots, the configuration of the existing lots, the setbacks or the buildable area on either lot is proposed.

If the Plan Commission recommends approval of the requested amendments, the petitioner would be required to prepare a revised plat of subdivision reflecting the proposed changes and the amended plat, along with the Commission's recommendation would be presented to the City Council for consideration and final action. If the amended plat received final approval, the plat will then need to be recorded with the County.

At the time of filing of this petition, staff did not require a revised plat to be prepared or submitted in an effort to defer that expense on the part of the petitioner until there was clear direction from the Commission on whether the request for amendments to the plat was supported.

Facts

- The City has rarely amended plats of subdivision to remove or modify restrictions or covenants incorporated into the original approvals.
- It is reasonable for adjacent and nearby benefiting property owners to rely on prior development approvals, recorded plats, covenants and restrictions.
- The Gimbel plat of subdivision was approved by the City and recorded with Lake County in 1997 and two lots, one developed and one vacant, exist today.
- The Gimbel Subdivision was the subject of lengthy deliberations by the Plan Commission and City Council on and off beginning in 1990 before approval was ultimately granted. The Gimbels accepted the approvals with the restrictions as now reflected on the plat and chose to proceed with recording the plat of subdivision as approved by the City Council.
- The Donovans, the current owners, purchased both Lots 1 and 2 from the Gimbels in 2001. To date, Lots 1 and 2 have always been in common ownership.

Staff Analysis

Amendments to Plats, Covenants, Restrictions and Plat Notes

Amendments to recorded plats of subdivision are rare. Amendments to recorded plats most often come in the form of slight property line shifts, changes that affect only the lots *internal* to the subdivision, rather than surrounding property owners who may derive some benefit from restrictions or limitations that were part of the original approval of the subdivision.

It is reasonable for surrounding property owners to rely on prior approvals and restrictions on a recorded plat for information on how a property will be developed in the future and how future improvements may impact their property. Over many decades, the City of Lake Forest has approved many subdivisions with restrictions, special setbacks and notes reflected on the recorded plat. In all cases, the petitioners make a conscious choice whether to accept the approvals and any restrictions or conditions incorporated into the approvals. Plats of subdivision are only recorded if the petitioner submits a final plat with the owners' signatures to the City for recording. After approval of a subdivision, the City does not proactively record the plat, but instead, waits for the petitioner to prepare, sign and submit the plat for recording.

Any consideration of a request to amend or remove restrictions from a plat of subdivision must be weighed very carefully. Amendments may be appropriate if the petitioner demonstrates that there has been a significant change that renders the current provisions of the recorded plat unreasonable

or that has created a hardship such that development is not possible under the restrictions already in place. It is relevant to note that in the case of zoning variances, the difficulty or hardship that creates the need for the variance may not be caused by the actions of any past or present owners of the property.

Driveway/Curb Cut

Note 3 on the Gimbel Subdivision plat as recorded states:

“(3) Access to Lot 1 shall be from the existing driveway leading to the original residence on Lot 2. There shall be no additional curb cut from Lot 1 onto Westminster Avenue.”

The note is clear and unambiguous. The record for the original subdivision reflects that the petitioners, the Gimbels, in response to Plan Commission and public input and deliberations, presented a revised plat of subdivision to the Commission with an increased setback from the east property line and a prohibition on an additional curb cut on Westminster. It was noted by the Gimbel’s representative at the time of the original subdivision, that preserving a vegetative buffer along the streetscape and the lack of an additional curb cut on Westminster together, would effectively screen any new house built on Lot 1 from Westminster.

The current petitioners, the Donovans, are requesting removal of the requirement for access to Lot 1 from the existing driveway in response to a desire by contract purchasers. There are many shared driveways and shared private roads in Lake Forest and most of the time, they work well however, staff acknowledges that at times, in limited instances, shared driveways result in difficulties between neighbors over use and maintenance. Sharing a driveway is not considered to be an ideal situation by many.

The prohibition of an additional curb cut to serve Lot 1 was an accommodation offered by the original petitioner, the Gimbels, in response to the strong opposition to any subdivision of their property. The Plan Commission acknowledged that the Gimbel property met the criteria for subdivision despite the opposition to subdivision of the property voiced by many. The prohibition of an additional curb cut on Westminster was a compromise offered by the petitioner, and later approved by the City, as a restriction on the plat of subdivision, for the purpose of minimizing the visibility of a new house on Lot 1 which is located directly east of a significant historic property.

City planning staff walked the site with the City’s Certified Arborist. In the Arborist’s opinion, a driveway could be extended from the existing driveway that serves Lot 2 east on to Lot 1 without significant impact to healthy, heritage trees. Currently, there is a slight extension (bump out) of the driveway toward Lot 1. Several Silver Maple trees are located in this area however, there is a pathway through those trees that could accommodate a driveway. Some trees may be lost however, the City’s Arborist noted that Silver Maple trees are hardier than many other species of trees and often tolerate construction activity well. The City’s Arborist also noted that there may be another pathway for the driveway slightly north of the bump out on the existing driveway. In conclusion, the City Arborist confirmed that a driveway on to Lot 1 from the existing driveway could be constructed in a manner that minimizes impact on significant trees within the Conservation Easement. Extension of a driveway in this manner is contemplated and in fact required by the recorded plat of subdivision.

City staff and the City's Arborist also walked the Westminster streetscape frontage of Lot 1. The Arborist agreed that the area identified by the petitioner's representative with white flags along the Westminster streetscape generally would be an acceptable location for a curb cut if in fact one is permitted from Westminster as a result of an amendment to the plat. The City's Arborist noted that there is a very large Black Cherry tree within the 50 foot Conservation Easement along Westminster. He noted that it is leaning significantly, and although it is an unusually large specimen of a Black Cherry tree, in fair to good condition, due to the heavy lean, when Lot 1 is developed, it should be removed for safety. He noted that the area generally around the Black Cherry tree could accommodate a curb cut and driveway without impacting significant, healthy trees or vegetation.

If the plat restriction prohibiting a new curb cut on to Westminster is removed, the following limitations are recommended.

- The curb cut shall be kept to the minimum width possible to safely accommodate ingress and egress to Lot 1.
- Neither the curb cut, nor the driveway shall encroach into the 100 foot setback along the east property line as documented on the plat of subdivision.
- A second access from the driveway along the west property line should be prohibited if access is permitted from Westminster to avoid driveways extending through both the Conservation Easement along Westminster and the Conservation Easement along the west property line.

Conservation Easement

The Conservation Easements reflected on the Gimbel Subdivision plat, recorded in 1997, extend across the north, south and east perimeters of Lot 1 for a depth of 50 feet. The Conservation Easements and zoning setbacks are coterminous along the west and south sides of Lot 1. Because Lot 1 of the Gimbel Subdivision is the front lot of a lot in depth, 50 foot setbacks apply along the front and rear property lines and along the portion of the lot that is adjacent to the driveway access to the rear lot. Expanded setbacks were established by the plat along the Westminster streetscape, 65 feet, and along the east side of Lot 1, 100 feet, as part of the approval of the original subdivision. The expanded setback along the east side of the property provides a significant buffer from the historic property to the east. This petition does not include a request to modify this setback.

The term "Conservation Easement" as used on the plat is intended to preserve existing vegetation and to require replanting at a similar density if necessary due to loss of existing vegetation or a desire to replace undesirable species with other species. The Code today offers the following provisions relating to a Conservation Easement:

- (1) An area within which all existing vegetation shall be preserved for the purpose of retaining the natural character of the area and providing screening from adjacent uses or a public or private street.
- (2) No plant material shall be removed from or planted in a Conservation Area (Easement) without a permit from the City authorizing removal or plantings
- (3) Conservation Areas may be established as part of the subdivision process or through the issuance of a Special Use Permit.
- (4) No solid fences may be located in a Conservation Area.

It is important to note that in this case, a Conservation Easement, held by a conservation entity, is *not* in place over Lot 1. The use of the term “Conservation Easement” on the plat is easily confused with an easement that gives away all development rights over a property in perpetuity in exchange for tax benefits. To avoid this confusion, in recent years, the City has used the terms “Tree Preservation Area” or Landscape Buffer Area” to delineate perimeter areas on a plat of subdivision within which trees and vegetation must be preserved to serve as a buffer.

This petition includes a request to eliminate the Conservation Easement along the south property line except for the most westerly 50 feet. As the petitioner’s statement points out, the area within this portion of the Conservation Easement is lawn, with no significant trees or under brush. From the record for the original approvals, “...the building pad will be well screened from both the adjacent estate house as well as the subject property’s original residence, as well as the adjacent pool structure which is part of the original estate inventory of significant features...” it appears that the intent was that this area would be planted out in conjunction with a new residence on Lot 1 and thereafter, would be preserved as a vegetative area.

As part of the review of any residence proposed on a vacant lot, a landscape plan is required and it is reasonable to expect that such a plan would be required to reflect a landscape buffer between the new house and the existing house on Lot 2 given the front to back relationship of the homes. Elimination of the Conservation Easement reflected on the plat of subdivision along the south property line, except for the westernmost 50 feet, does not appear that it would have a significant impact, positive or negative, on surrounding, benefitted property owners, other than Lot 2 of the Gimbel Subdivision. Amending the plat of subdivision to eliminate the Conservation Easement as requested would not likely change the fact that plantings will be required in that area in conjunction with any new house on Lot 1. Removing the Conservation Easement in the area as requested could however allow for construction of a pool within 20 feet of the rear property line, in front of the existing house on Lot 2.

Architectural Review

Note 1 on the Gimbel Subdivision plat as recorded states:

“(1) The house built on Lot 1 shall be subject to review and approval by the Building Review Board of the City of Lake Forest. The Building Review Board shall simultaneously review a landscape plan intended to buffer views of the new house from the property to the east.”

At the time the plat was recorded, the Historic Preservation Commission did not exist. The Commission was established in 1998. The clear intent of Note 1 on the plat of subdivision was to require review by the appropriate City body, of the architectural and landscape aspects of a new residence proposed on Lot 1 prior to the issuance of any building permits. Staff believes that a reasonable interpretation of this note without amendment, allows the design review to be delegated to the Historic Preservation Commission as the appointed body now having purview over design review for this property. The Commission, once established, took over the Building Review Board’s review role for properties within the City’s Local Historic Districts and for Locally Designated Landmarks.

If determined to be necessary, plans for a new house on Lot 1 could be presented to the Building Review Board and the Board could formally refer the plans to the Historic Preservation Commission for review.

Staff concludes that an amendment to this note is not necessary.

Public Notice

Public notice of this hearing was provided in accordance with Code requirements and standard practices. Public notice was published in a newspaper of local circulation and mailed to property owners in the surrounding area. The agenda for this meeting was posted at various public locations and on the City's website. To date, staff has received several inquiries from neighboring property owners who have expressed concern about amending the plat. In addition, some neighbors were unaware that a vacant, buildable lot exists at this site. Staff clarified that the subdivision creating the lot was approved in 1997 and the plat of subdivision recorded. One letter received to date is included in the Commission's packet. If any additional letters or emails are received they will be forwarded to the Commission by email prior to the meeting.

Staff Recommendation

Recommend denial of the request for amendments to the plat for the Gimbel Subdivision which was recorded in 1997 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 petitioner has not demonstrated a significant change in circumstances since the plat of subdivision was recorded that has created a unique difficulty or hardship.
3. Lot 1 of the Gimbel Subdivision is a buildable lot under the terms and conditions as approved in 1997 consistent with the final plat of subdivision submitted by the then owners, the Gimbels, to the City for recording.

W LAUREL AVE

287

281

Area of Request
211 W. Westminster

W WESTMINSTER

ATTERIDGE RD

E WOODLA

SUMMIT PL

SUMMIT PL

SUMMIT AVE

SUNSET PL

E WESTMINSTER

RIDGE LN

E DEERPATH

W DEERPATH

HASTINGS RD

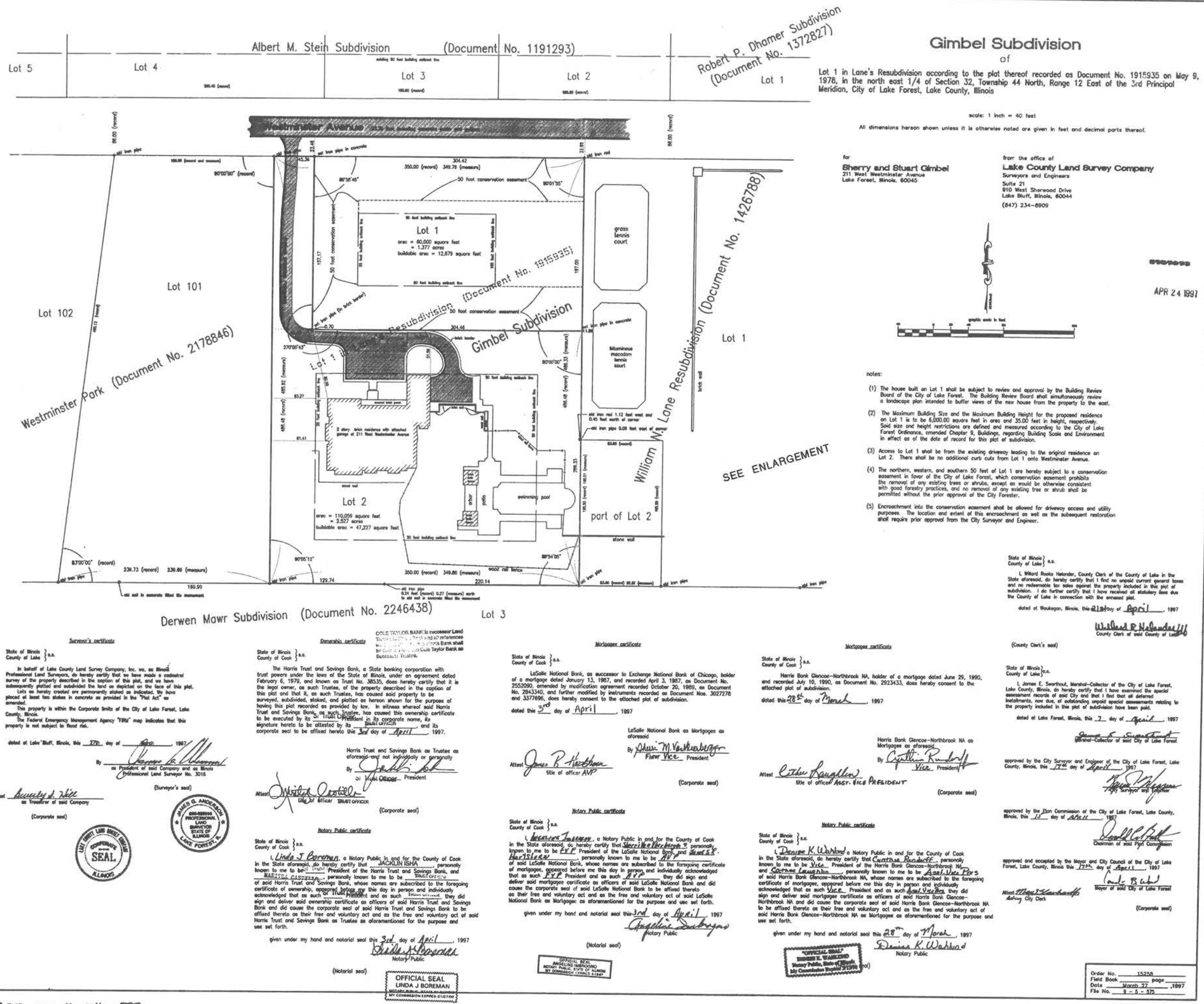
GOLF LN

Area of Request
211 W. Westminster



Area of Request
211 W. Westminster



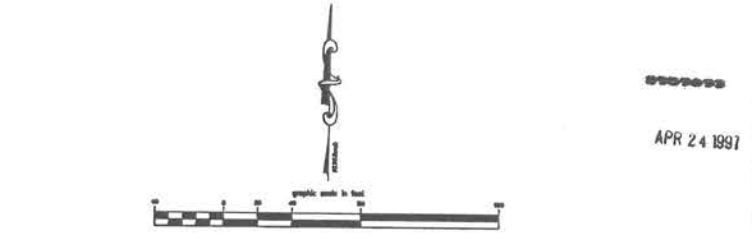


Lot 1 in Lane's Resubdivision according to the plat thereof recorded as Document No. 1915935 on May 9, 1978, in the north east 1/4 of Section 32, Township 44 North, Range 12 East of the 3rd Principal Meridian, City of Lake Forest, Lake County, Illinois

scale: 1 inch = 40 feet
All dimensions hereon shown unless it is otherwise noted are given in feet and decimal parts thereof.

for
Sherry and Stuart Gimbel
211 West Westminster Avenue
Lake Forest, Illinois, 60045

from the office of
Lake County Land Survey Company
Surveyors and Engineers
Suite 21
810 West Sherwood Drive
Lake Bluff, Illinois, 60044
(847) 234-8909



- notes:
- (1) The house built on Lot 1 shall be subject to review and approval by the Building Review Board of the City of Lake Forest. The Building Review Board shall simultaneously review a landscape plan intended to buffer views of the new house from the property to the east.
 - (2) The Maximum Building Size and the Maximum Building Height for the proposed residence on Lot 1 is to be 6,000.00 square feet in area and 35.00 feet in height, respectively. Said size and height restrictions are defined and measured according to the City of Lake Forest Ordinance, amended Chapter 9, Buildings, regarding Building Scale and Environment in effect as of the date of record for this plat of subdivision.
 - (3) Access to Lot 1 shall be from the existing driveway leading to the original residence on Lot 2. There shall be no additional curb cuts from Lot 1 onto Westminster Avenue.
 - (4) The northern, western, and southern 50 feet of Lot 1 are hereby subject to a conservation easement in favor of the City of Lake Forest, which conservation easement prohibits the removal of any existing trees or shrubs, except as would be otherwise consistent with good forestry practices, and no removal of any existing tree or shrub shall be permitted without the prior approval of the City Forester.
 - (5) Encroachment into the conservation easement shall be allowed for driveway access and utility purposes. The location and extent of this encroachment as well as the subsequent restoration shall require prior approval from the City Surveyor and Engineer.

State of Illinois }
County of Cook } s.s.
I, Wilford R. Helander, County Clerk of the County of Lake in the State of Illinois, do hereby certify that I find no unpaid current general taxes and no redeemable tax sales against the property included in this plat of subdivision. I do further certify that I have received all statutory fees due the County of Lake in connection with the annexed plat.
dated at Woodstock, Illinois, this 21st day of April, 1997
Wilford R. Helander
County Clerk of said County of Lake

Surveyor's certificate
State of Illinois }
County of Lake } s.s.
In behalf of Lake County Land Survey Company, Inc., we, as Illinois Professional Land Surveyors, do hereby certify that we have made a careful survey of the property described in the caption of this plat, and we have subsequently plotted and subdivided the land as depicted on the face of this plat. Lots as hereby created are permanently staked as indicated, we have placed at least two stakes in concrete as provided in the "True Act" as amended.
This property is within the Corporate limits of the City of Lake Forest, Lake County, Illinois.
The Federal Emergency Management Agency "FIRM" map indicates that this property is not subject to flood risk.
dated at Lake Bluff, Illinois, this 27th day of March, 1997
By [Signature]
Professional Land Surveyor No. 3016
[Seal]

Attest: [Signature]
as Treasurer of said Company
(Corporate seal)

Domestic certificate
State of Illinois }
County of Cook } s.s.
The Harris Trust and Savings Bank, a State banking corporation with trust powers under the laws of the State of Illinois, under an agreement dated February 6, 1979, and known as Trust No. 88335, does hereby certify that it is the legal owner, as such Trustee, of the property described in the caption of this plat and that it, as such Trustee, has caused said property to be surveyed, subdivided, staked, and plotted as hereon shown for the purpose of having this plat recorded as provided by law. In witness whereof said Harris Trust and Savings Bank, as such Trustee, has caused this ownership certificate to be executed by its duly authorized officer, its corporate seal, its signature hereto to be attested by its duly authorized officer, and its corporate seal to be affixed hereto this 3rd day of April, 1997.
Harris Trust and Savings Bank as Trustee as aforesaid and not individually or personally
By [Signature]
as Vice President
[Seal]

Attest: [Signature]
as Officer, Trust Services
(Corporate seal)

Notary Public certificate
State of Illinois }
County of Cook } s.s.
I, Linda J. Boreman, a Notary Public in and for the County of Cook in the State of Illinois, do hereby certify that JACKLIN ISHA, personally known to me to be VICE President of the Harris Trust and Savings Bank, and MARITZA CASPARR, personally known to me to be TRUST OFFICER of said Harris Trust and Savings Bank, whose names are subscribed to the foregoing certificate of ownership, appeared before me this day in person and individually acknowledged that as such VICE President and as such TRUST OFFICER, they did sign and deliver said ownership certificate as officers of said Harris Trust and Savings Bank and did cause the corporate seal of said Harris Trust and Savings Bank to be affixed thereto as their free and voluntary act and as the free and voluntary act of said Harris Trust and Savings Bank as Trustee as aforesaid for the purpose and use set forth.
given under my hand and notarial seal this 3rd day of April, 1997
Linda J. Boreman
Notary Public
[Seal]

Attest: [Signature]
Notary Public
(Notarial seal)

Mortgage certificate
State of Illinois }
County of Cook } s.s.
LaSalle National Bank, as successor to Exchange National Bank of Chicago, holder of a mortgage dated January 13, 1967, and recorded April 3, 1967, as Document No. 2552090, amended by modification agreement recorded October 20, 1969, as Document No. 2843340, and further modified by instruments recorded as Document Nos. 3027278 and 3377696, does hereby consent to the attached plat of subdivision.
dated this 3rd day of April, 1997

LaSalle National Bank as Mortgagee as aforesaid
By [Signature]
Vice President
[Seal]

Notary Public certificate
State of Illinois }
County of Cook } s.s.
I, Linda J. Boreman, a Notary Public in and for the County of Cook in the State of Illinois, do hereby certify that [Signature] personally known to me to be VICE President of the LaSalle National Bank, and [Signature] personally known to me to be VICE President of the LaSalle National Bank, who did sign and deliver said mortgage certificate as officers of said LaSalle National Bank and did cause the corporate seal of said LaSalle National Bank to be affixed thereto as their free and voluntary act and as the free and voluntary act of said LaSalle National Bank as Mortgagee as aforesaid for the purpose and use set forth.
given under my hand and notarial seal this 3rd day of April, 1997
Linda J. Boreman
Notary Public
[Seal]

Attest: [Signature]
Notary Public
(Notarial seal)

Mortgage certificate
State of Illinois }
County of Cook } s.s.
Harris Bank Glencoe-Northbrook NA, holder of a mortgage dated June 25, 1990, and recorded July 10, 1990, as Document No. 2923433, does hereby consent to the attached plat of subdivision.
dated this 28th day of March, 1997

Harris Bank Glencoe-Northbrook NA as Mortgagee as aforesaid
By [Signature]
Vice President
[Seal]

Notary Public certificate
State of Illinois }
County of Cook } s.s.
I, Denise K. Warkent, a Notary Public in and for the County of Cook in the State of Illinois, do hereby certify that [Signature] personally known to me to be VICE President of the Harris Bank Glencoe-Northbrook NA, and [Signature] personally known to me to be VICE President of the Harris Bank Glencoe-Northbrook NA, who did sign and deliver said mortgage certificate as officers of said Harris Bank Glencoe-Northbrook NA and did cause the corporate seal of said Harris Bank Glencoe-Northbrook NA to be affixed thereto as their free and voluntary act and as the free and voluntary act of said Harris Bank Glencoe-Northbrook NA as Mortgagee as aforesaid for the purpose and use set forth.
given under my hand and notarial seal this 28th day of March, 1997
Denise K. Warkent
Notary Public
[Seal]

Attest: [Signature]
Notary Public
(Notarial seal)

(County Clerk's seal)
State of Illinois }
County of Lake } s.s.
I, James E. Swarthout, Marshal-Collector of the City of Lake Forest, Lake County, Illinois, do hereby certify that I have examined the special assessment records of said City and that I find that all deferred installments, now due, of outstanding unpaid special assessments relating to the property included in this plat of subdivision have been paid.
dated at Lake Forest, Illinois, this 7th day of April, 1997
James E. Swarthout
Marshal-Collector of said City of Lake Forest

approved by the City Surveyor and Engineer of the City of Lake Forest, Lake County, Illinois, this 17th day of April, 1997
[Signature]
City Surveyor and Engineer

approved by the Board of Commissioners of the City of Lake Forest, Lake County, Illinois, this 13th day of April, 1997
[Signature]
Chairman of said Board of Commissioners

approved and accepted by the Mayor and City Council of the City of Lake Forest, Lake County, Illinois, this 11th day of April, 1997
[Signature]
Mayor of said City of Lake Forest

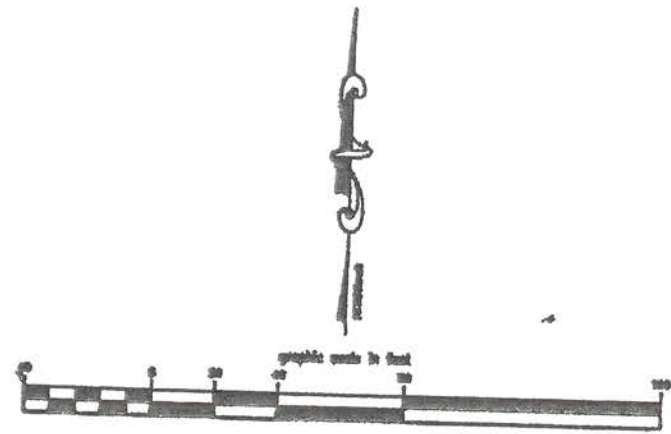
Attest: [Signature]
Notary City Clerk
(Corporate seal)

Order No. 15258
Field Book Page
Date March 27, 1997
File No. 8-5-375

Subdivision (Document No. 142678)

Suite 21
910 West Sherwood Drive
Lake Bluff, Illinois, 60044
(847) 234-8909

Lot 1



notes:

- (1) The house built on Lot 1 shall be subject to review and approval by the Building Review Board of the City of Lake Forest. The Building Review Board shall simultaneously review a landscape plan intended to buffer views of the new house from the property to the east.
- (2) The Maximum Building Size and the Maximum Building Height for the proposed residence on Lot 1 is to be 6,000.00 square feet in area and 35.00 feet in height, respectively. Said size and height restrictions are defined and measured according to the City of Lake Forest Ordinance, amended Chapter 9, Buildings, regarding Building Scale and Environment in effect as of the date of record for this plot of subdivision.
- (3) Access to Lot 1 shall be from the existing driveway leading to the original residence on Lot 2. There shall be no additional curb cuts from Lot 1 onto Westminister Avenue.
- (4) The northern, western, and southern 50 feet of Lot 1 are hereby subject to a conservation easement in favor of the City of Lake Forest, which conservation easement prohibits the removal of any existing trees or shrubs, except as would be otherwise consistent with good forestry practices, and no removal of any existing tree or shrub shall be permitted without the prior approval of the City Forester.
- (5) Encroachment into the conservation easement shall be allowed for driveway access and utility purposes. The location and extent of this encroachment as well as the subsequent restoration shall require prior approval from the City Surveyor and Engineer.

State of Illinois } s.s.
County of Lake }

I, Willard Hooks Melander, County Clerk of the County of Lake, do hereby certify that I find no unpaid and no redeemable tax sales against the property included in this subdivision. I do further certify that I have received all the County of Lake in connection with the annexed plot.

dated at Waukegan, Illinois, this 21st day of April

Willard R. Melander
County Clerk of Lake

(County Clerk's seal)

Mortgage certificate

State of Illinois } s.s.
County of Cook }

Harris Bank Glencoe-Northbrook NA, holder of a mortgage dated June 29, 1990, and recorded July 10, 1990, as Document No. 2923433, does hereby consent to the attached plot of subdivision.

dated this 28th day of March, 1997

of Chicago, holder of Document No. 89, as Document No. 3027278

Mortgagee as

under

State of Illinois } s.s.
County of Lake }

I, James E. Swerthout, Marshal-Collector of the City of Lake County, Illinois, do hereby certify that I have examined the assessment records of said City and that I find that all the installments, now due, of outstanding unpaid special assessments on the property included in this plot of subdivision have been paid.

dated at Lake Forest, Illinois, this 7 day of April

James E. Swerthout
Marshal-Collector of said City

Harris Bank Glencoe-Northbrook NA as Mortgagee as aforesaid



PLAN COMMISSION

APPLICATION FOR AMENDMENT TO PRIOR APPROVALS

☒ SUBDIVISION FLAT AMENDMENT ☐ SPECIAL USE PERMIT ☐ ANNEXATION AGREEMENT

Location of Property 211 W Westminster Zoning District R-4

Date Of Prior Approval March of 1997

Brief Description Of Proposed Amendment(s) Request (a) single driveway cut and (b) termination of South Conservation Easement.
PLEASE SEE OWNER'S 3-PAGE STATEMENT OF INTENT ATTACHED

APPLICANT

Name Michael R. Adelman

Address 1190 W. Old Mill Road

Lake Forest, IL 60045

Phone 847-338-5069

E-mail MRAdelman@comcast.net

Relationship to Property Attorney

(Owner/Attorney/Representative/Contract Purchaser)

PROPERTY OWNER(S) (add pages if needed)

Name Oakmont Partners, LLC

Address P.O. Box 7882

Jackson, WY 83002

Phone 847-275-2736

E-mail DonovanNS@aol.com

BENEFICIAL INTERESTS

Corporation

☒ (see exhibit A)

Partnership

☐ (see exhibit B)

Trust, land or other

☐ (see exhibit C)

I have read the complete application packet and understand the Subdivision process and criteria.
I understand that this matter will be scheduled for a public hearing when a determination has been made
that this application packet is complete and accurate. Oakmont Partners, LLC

SIGNATURES

Nancy S. Donovan

August 27, 2020

Owner, Managing Member Date

Owner

Date

Michael R. Adelman

August 27, 2020

Applicant

Date

EXHIBIT "A"**OAKMONT PARTNERS, A WYOMING LIMITED LIABILITY COMPANY**

Please list the names and addresses of all officers and directors of the Corporation and all shareholders who own individually or beneficially 5% or more of the outstanding stock of the corporation. In addition, this application must be accompanied by a resolution of the Corporation authorizing the execution and submittal of this application.

NAME Nancy S. Donovan
ADDRESS 211 W. Westminster
Lake Forest, IL 60045
OWNERSHIP PERCENTAGE 100 %

NAME _____
ADDRESS _____
OWNERSHIP PERCENTAGE _____ %

NAME _____
ADDRESS _____
OWNERSHIP PERCENTAGE _____ %

NAME _____
ADDRESS _____
OWNERSHIP PERCENTAGE _____ %

NAME _____
ADDRESS _____
OWNERSHIP PERCENTAGE _____ %

NAME _____
ADDRESS _____
OWNERSHIP PERCENTAGE _____ %

NAME _____
ADDRESS _____
OWNERSHIP PERCENTAGE _____ %

NAME _____
ADDRESS _____
OWNERSHIP PERCENTAGE _____ %

MICHAEL R. ADELMAN

ATTORNEY AT LAW

1190 W. OLD MILL ROAD, LAKE FOREST, ILLINOIS 60045-3714
TEL: 847-615-0210 FAX: 847-574-5974 EMAIL: MRAdelman@comcast.net

August 27, 2020

Via Email czerniac@cityoflakeforest.com

The Lake Forest City Plan Commission
c/o Ms. Cathy Czerniak
Director of Community Development
800 N. Field Drive
Lake Forest, IL 60045

RE: Request for Amendment to Plat of Subdivision Conditions
Gimbel Subdivision (Two Lot Subdivision platted in 1997)
211 W. Westminster Avenue, Lake Forest, IL

Dear Ladies & Gentlemen of the Plan Commission and City Staff:

On behalf of the current owner of both Lots 1 and 2 in the Gimbel Subdivision, Nancy Donovan (holding title through Oakmont Partners, a Wyoming Limited Liability Company), please let this letter serve as the **Owner's Statement of Intent** with respect to the above captioned property.

Background

Mr. and Mrs. Stuart Gimbel were prior owners of this approximate 3.9 acre property from 1978 through the 1990s, and from 1990 through 1997 they petitioned the City to subdivide it into a Planned Preservation Two-lot Subdivision under the advice and counsel of George Covington.

In 1997 the City finally granted the Gimbels a 2-lot subdivision wherein Lot 1 is a vacant 60,000 SF parcel having 304+ feet of frontage along the south side of Westminster, and Lot 2 is contiguous to the south and underlies the existing residence known as 211 Westminster having a land area of 110,059 SF. Lot 2 is a lot-in-depth and its driveway is situated along the west lot line.

Because of the historic character of this particular segment of Westminster, this Planned Preservation Subdivision was approved having restrictive conditions placed on the land and the plat of subdivision in the form of Five (5) Notes which read verbatim as follows:

1. *The house built on Lot 1 shall be subject to review and approval by the Building Review Board of the City of Lake Forest. The Building Review Board shall simultaneously review a landscape buffer intended to buffer views of the new house from the property to the east.*
2. *The Maximum Building Size and the Maximum Building Height for the proposed residence on Lot 1 is to be 6,000 square feet in area and 35 feet in height, respectively. Said size and height restrictions are defined and measured according to the City of Lake Forest Ordinance, amended Chapter 9, Buildings, regarding Building Scale and Environment in effect as of the date of record for this plat of subdivision.*

3. *Access to Lot 1 shall be from the existing driveway leading to the original residence on Lot 2. There shall be no additional curb cuts from Lot 1 onto Westminster Avenue.*
4. *The northern, western, and southern 50 feet of Lot 1 are hereby subject to a conservation easement in favor of The City of Lake Forest, which conservation easement prohibits the removal of any existing trees or shrubs, except as would be otherwise consistent with good forestry practices, and no removal of any tree or shrub shall be permitted without the prior approval of the City Forester.*
5. *Encroachment into the conservation easement shall be allowed for driveway access and utility purposes. The location and extent of this encroachment as well as the subsequent restoration shall require prior approval from the City Surveyor and Engineer.*

The reader can see that the above NOTES are highly restrictive of Lot 1.

Being zoned R-4, the minimum front and rear yard setback back requirements under then and present City code is 50 feet. In fact Lot 1 was required to have a 65 foot front yard setback, and rather than a 50 foot rear yard setback, a 50 foot wide conservation easement was placed along the entire south rear yard.

Further, R-4 zoning requires minimum side yard setbacks of 20 feet, and in the instant situation, the east side yard setback was mandated at 100 feet (five-fold increase over code), and the west side yard setback is effectively 50 feet because of the 50 foot conservation easement required.

R-4 zoning permits a maximum ridge height of 45 feet and Lot 1 is restricted to 35 feet.

Under City code lots having frontage of 125 feet or more are typically permitted two driveway cuts. Lot 1 has 304+ feet of frontage on Westminster and yet no driveway cuts are to be allowed despite the fact that three (3) residences right across the street on the north side of Westminster each have two driveway cuts. The mandating of shared driveway access with Lot 2 seems harsh. Moreover, shared driveway access and the easement agreements required between sharing neighbors are cumbersome and inherently problematical. Finally, the Lot 1 curb cut restriction certainly is not for safety reasons, because Westminster is perfectly straight and dead ends a half block to the west; this is not a through-street.

Owner's Intent

Nancy Donovan has owned both Lots 1 and 2 and resided in the residence (with her husband David) since 2001, raising their family here. They are now empty nesters and are going to permanently reside in Wyoming. The Owner has recently put the residence situated on Lot 2 under contract for sale; the contract purchasers have no interest in also purchasing Lot 1. The Lot 2 contract purchasers are opposed to sharing their driveway with the future owners of Lot 1, having to craft an easement, share in the maintenance of a shared driveway, undoubtedly disturb the extensive existing landscaping east of the driveway to Lot 2 and all of the underground infrastructure currently in place, and then having to restore same. Their position is totally understandable and not unreasonable. Moreover, the future owners of Lot 1 will undoubtedly prefer to have their own direct driveway access to Westminster and not have to share a driveway and legal arrangement with the owners of Lot 2. Finally, the landscaping within the western conservation easement of Lot 1 is far more extensive and valuable than the landscaping existing in the northern conservation easement along the south side of Westminster. There are numerous heritage trees in the western conservation easement; there are mostly buckthorn in the northern conservation easement.

Therefore, the Owner is requesting three (3) amendments to the original plat of subdivision as follows:

1. With respect to Note #1: "Building Review Board" should be changed to "Historic Preservation Commission". The HPC was first formed in 1998 and the HPC now has jurisdiction over this subdivision, not the BRB.
2. With respect to Note #3: We request eliminating the shared driveway requirement and no driveway cuts to Westminster prohibition, and instead request that one (1) driveway cut be permitted; again City code permits two (2). Such driveway cut shall be situated no further west than the west building envelope line, and no further east than the east building envelope line and shall be located only subject to the express approval of the City.
3. With respect to Note #4: We request eliminating the conservation easement over the south 50 feet of Lot 1, except for the most westerly 50 feet thereof. The south conservation easement serves no practical purpose because (a) it contains only manicured lawn and no other landscaping, (b) arguably it's unnecessarily burdensome to the City and future Lot 1 owners, and (3) it provides no benefit to any other neighboring residents other than the owners of Lot 1 and Lot 2.

By approving the above requested amendments, such would: (a) clarify the notes with respect to HPC v BRB jurisdiction, (b) mitigate the chilling effect which the shared driveway requirement has on the present contract for the sale of Lot 2, and will also mitigate the same chilling effect the current driveway cut prohibition has or will have on the ultimate sale of Lot 1, and (c) will eliminate the unnecessary and burdensome conservation easement along the south 50 feet of Lot 1.

Thank you for your consideration of the above. I remain

Very truly yours,



Michael R. Adelman

MRA/tbm

cc: Nancy & David Donovan

MICHAEL R. ADELMAN

ATTORNEY AT LAW

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Received 9/8/2020
at 7:43pm

September 8, 2020

Via Email czerniac@cityoflakeforest.com

The City of Lake Forest Plan Commission
c/o Ms. Cathy Czerniak
Director of Community Development
800 N. Field Drive
Lake Forest, IL 60045

RE: Request for Amendment to Plat of Subdivision Conditions
Gimbel Subdivision (Two Lot Subdivision platted in 1997)
211 W. Westminster Avenue, Lake Forest, IL

Dear Ladies & Gentlemen of the Plan Commission and City Staff:

As you know we previously submitted to you our August 27, 2020, Owners Statement of Intent.

Over the course of the past approximate 30+ days we have been working with City Staff to present our Application For Amendment To Prior Approvals. Staff had indicated a willingness to support our request up until just 2 days ago when a copy of the Staff Report was emailed to me Sunday afternoon recommending denial of our request. I was surprised and disappointed knowing how highly persuasive Staff recommendations are, so I inquired why the sudden reversal and was informed "Lots of research and careful thought".

Being respectful of and having the highest regard for Staff I decided to do the same, more research and more thought on our request. Perhaps I would be able to reconcile Staff's position with my own; but after lots of my own research and careful thought, I am not. So we have agreed to disagree.

Staff had previously furnished me the entire historical file on the subject property which I have saved as a 116 page PDF. On Labor Day I re-read the entire PDF carefully.

As of this morning only one letter from a neighbor, Norm Wesley, had been submitted. At 2:34 pm I received another packet from Staff from various neighbors so now I am having to redraft into the evening to address some of those expressed concerns.

My thoughts follow.

We Amend Our Request

Because of the additional correspondence from neighbors received this afternoon, particularly from Liam and Francesca Connell who own the Noble Judah estate at 11 Westminster, we hereby formally withdraw our request with respect to extinguishing the south Conservation Easement, and revise and narrowly limit our request solely to the issue of a direct drive access to Westminster and extinguishing only the shared driveway mandate in the Plat of Subdivision notes. It's difficult to conceive why the requested driveway cut would matter to anyone

other than merely make Lot 1 less desirable to a prospective purchaser. Apparently, there was no issue or objection when a **second cut was recently granted to a neighbor** down the street.

Brief Historical Background

Prior to 1969 William N. Lane owned 111 W. Westminster, the Noble Judah estate, which encompassed all of the land under the estate west to the Skokie Drainage Ditch. In 1969 Lane subdivided the property leaving 3.1 acres under the estate and creating a second buildable lot to the west upon which he subsequently developed the present residence situated at 211 Westminster. In 1978 he re-subdivided the large 211 Westminster lot into two parcels: (1) a 4 acre parcel underlying the new 211 residence, and (2) the large remainder vacant parcel to west to the Skokie Drainage Ditch. In 1978 he sold the 4 acre residence at 211 Westminster to Stuart and Sherry Gimbel, and Jim Altounian bought all the vacant land to the west.

Clearly, 1978 was the time for Mr. Lane and the City to put a “no further subdivision” restrictive covenant on the 4 acre residence at 211 Westminster. In hindsight, all of the historical documentation clearly suggests that not to do so was a BIG mistake. In 1990 when the Gimbels first attempted subdivision, on page 2 of the Staff report it was stated *“This is one of those unfortunate subdivisions that we don’t like to see happen, but which is in full conformance with the Zoning Code”*. Further, in 1996, George Covington as attorney for the Gimbels concluded *“Clearly a mistake was made some 27 years ago when the City allowed Mr. Lane to subdivide his property in such a way that 18,000 square foot house was left on 3.1 acres. Perhaps the City could have required a larger lot as it did when the Dittmer’s subdivided their land. However, the City cannot now rectify its earlier mistake by **punishing the Gimbels**”*.

Assuming all of you Commissioners have been out to Westminster in connection with our request then I think you will all agree. It would certainly be wonderful if someone would purchase Lots 1 and 2 at 211 Westminster and consolidate them in perpetuity, but that’s not realistic, it’s not the world we live in any longer.

Approximately 12 years after purchasing 211 Westminster from William Lane, the Gimbels first petitioned the City in 1990 for a 2-lot subdivision. This became a 6 year struggle for the Gimbels until approval was granted in 1997. The reason for the struggle was that all of the neighbors were in vehement opposition to subdivision of the 4 acres. There were two former mayors, two alderman, and other influential and powerful neighbors and organizations who opposed subdivision of the 4 acres, even though it legally qualified for subdivision. The opposition was emotionally charged but without sound legal footing to object (gleaned from their letters and testimony, and from speaking with participants).

In 1997 the subdivision was approved under attorney George Covington’s counsel of the Gimbels, but it was approved with numerous restrictions: (1) reduced building height from 45’ to 35’, (2) 50 foot wide Conservation Easements along 3 of the 4 sides of the lot, (3) reduced floor area permitted from 8,000 down to 6,000 square feet, (4) east side yard setback of 100 feet instead of code 20 feet, and (5) prohibition of driveway cut for direct access to Westminster **which is the essence of this request**. The first 4 of the above restrictions were arguably for the purpose of protecting the historic Noble Judah estate to the East. However, the access restriction, while facially claimed to be for the purpose of preserving the streetscape on Westminster was clearly punitive in nature and probably intended to be an additional measure to thwart the marketability of Lot 1 so that a new residence would never be built there.

The restriction of direct access to Westminster with even one driveway cut was and still is **unprecedented** in Lake Forest’s history. Lot 1 has 304 feet of frontage along Westminster, more than any other property along

Westminster except those at Green Bay Road, and to have denied access to the public street, presumably to preserve streetscape, was a complete fallacy. It was clearly a punitive restriction.

Nancy Donovan, the petitioner, has owned this property (both Lots 1 and 2) for 19 years. She and her husband David are asking the Plan Commission and the City to extinguish the shared driveway requirement on the 1997 Plat of Subdivision so that her properties are more marketable. The shared driveway requirement has a significant chilling effect on the desirability of either lot.

Premise for Shared Driveway; No Direct Access to Westminster

In all 116 pages of the historical PDF I just reviewed, the only justification given for mandating the shared driveway access was for the purpose of (1) preserving the existing Westminster streetscape, and (2) minimize traffic congestion in the public streets. I submit that 8 months out of the year (November through June) there is no effective organic streetscape along Westminster because the deciduous vegetation loses its leaves. Further, Westminster is a long City block in length with a dead-end cul de sac. This is not a high volume through-traffic street. Moreover, a shared driveway does nothing to reduce traffic count or minimize congestion in public streets. These are false superficial premises. The effect on the Gimbels was punitive.

I've attached Exhibit A hereto which is six (6) pages excerpted from the (1) July 3, 1996 Staff Report to the Plan Commission, (2) August 20, 1996 Staff Report to Plan Commission, and (3) October 1, 1996, Plan Commission Memorandum to City Council. I have highlighted in yellow marker the purported rationale for restricting access to Westminster. **Lot 1 has over 304 feet frontage along Westminster, it legally qualifies for two (2), not just one (1), driveway cuts to Westminster. It was unprecedented in all of Lake Forest history to deny Lot 1 any access to Westminster whatsoever.** Again, the premise for mandating a shared access was superficial; the effect on the Gimbels was punitive. What the City failed to do in 1978 when William Lane re-subdivided 211 Westminster, i.e. place a restriction on further subdivision, it was then attempting to constructively do to the Gimbels. That was totally improper and just plain wrong.

No Cuts, One Cuts, Two Cuts, Shared Driveways

I've attached hereto Exhibit "B" which is a 1-page matrix of the residences along both the north and south sides of Westminster identifying street number, owner, lot frontage, driveway cuts, and screening, all within reasonable proximity of the subject property in either direction east and west.

First, it is notable that all the residences along the south side of Westminster have only 1 driveway cut. In contrast, of the 6 residences along the north side of Westminster, **five (5) have two driveway cuts** and only one (1) has a single driveway cut.

None of the residences on either side of Westminster have 300 feet or more of frontage except for the subject property, 6 have less than 200 feet of frontage, and none of the lots have shared driveways.

None of the lots come close to having as extensive screening as the subject property, and except for the stone wall along 111 Westminster, they all lose their deciduous leaves for 8 months of the year severely diminishing any organic screening they provide from July through October.

Shared Driveways

It is common knowledge that shared driveways are undesirable. Property owners involved in them despise them. Nobody submits voluntarily to a shared driveway. I have been in Lake Forest since 1986 and there are close to a dozen instances where I've been asked to problem solve shared driveway situations.

What do you do when one owner wants gravel, another asphalt, another paver blocks, someone's concrete truck destroys commonly owned sections of driveway, liability issues, etc. What if one of the property owners gets foreclosed on... who is your partner in the shared driveway now, and good luck enforcing rights and obligations. The potential list of foreseeable problems is extensive. The purported benefit of preserving the Westminster streetscape (for 4 months of the year) did not justify mandating a shared driveway in the 1997 platting of Lot 1. The shared driveway condition was a punitive action instigated by highly charged emotional neighbors who were relatively powerful and influential in Lake Forest circles. They simply did not want to see a house built on Lot 1 and wanted to thwart the marketability of same to the greatest extent possible. A prime example of that mentality is the letter in your packet from Norm Wesley who said he wasn't aware that there was a buildable lot and predicated his objection to our request on not wanting to see a house built on it at all. I think we all get that... but the time to preclude it was back in 1978 when William Lane re-subdivided and the City failed to impose any restrictions.

One prime example of a shared driveway gone wrong is Ragdale and Open Lands on Green Bay Road. Most recently in my mind is 205 and 255 N Mayflower Road. In 2019 I assisted David Moore (255) and Rob Krebs (205) in extinguishing a shared driveway easement created in 1954 by a deed in connection with the Solomon subdivision. Neither David Moore nor Rob Krebs wanted to continue the shared driveway arrangement. Rob Krebs has 155 feet of frontage along Mayflower Road and in 2019 the Historic Preservation Commission approved his request for a new driveway cut in a particularly historic section of Mayflower Road. Nobody argued that Krebs was adversely affecting the historic streetscape of Mayflower Road with a new driveway cut, or adversely impairing economic value of his neighbors, and if anybody did then they apparently lost that argument... as should be the case now at 211 Westminster.

Precedent Setting

Staff may well argue that removing this restrictive note on the Plat will set a precedent for others to come request the same. First, the potential for other such situations to arise has extremely low probability. Second, that is not sufficient reason to deny this property a single driveway cut to Westminster. Third, Staff is extremely capable of fending off non-qualifying petitioners by thoughtfully distinguishing one situation from the other.

Response to Staff Report

- While it may be true that the City rarely amends plats, it is not true that they never amend plats.
- It is true that covenants often vest rights in adjacent and neighboring properties. Such is true in the instant case relative to the ridge height restriction, bulk scale reduction, compact building envelope, increased side yard setback and Conservation Easements, all particularly beneficial with respect to the Noble Judah property adjacent to the east. However, I think it is extremely difficult to argue that the driveway access restriction benefitted anyone, then or currently, living on Westminster. While it may have benefitted the 1997 objectors by providing some kind of vindictive satisfaction, it serves no practical benefit to present neighbors. Look at the street, review the Exhibit B matrix of five (5) double driveway cuts and minimal

screening along the north side of Westminster, and consider that 8 months of the year the hedgerow is barren. Surrounding property owners are not relying on this driveway restriction for their benefit.

- Further to the preceding point, few if any of the neighbors even realized there was a buildable lot at 211 Westminster. It was only after we flagged a potential location for a curb cut that Staff started receiving calls from neighbors. Again, read Norm Wesley's letter in your Staff packet; he doesn't object to the curb cut; he objects to any development at all. The owners of the Noble Judah estate to the east, Liam and Francesca Connell, are long time personal friends of mine. I handled their purchase of that property. I called Liam in early August and we met on the subject property. He too also told me that he only recently became aware that there was a buildable lot adjacent his grass tennis court and he was not very happy to know that. When I said tongue in cheek "Well, Liam, would you write us a letter of support anyhow?" he replied, "Hell no, I don't want to see any house built there!" In both cases, neither neighbor cared about the Westminster streetscape per se; they simply do not want to see a new house there... Déjà vu 1997. That is not justification for denying extinguishing the driveway restriction today as we request; that kind of thinking is only a perpetuation of the injustice inflicted on the Gimbels in 1997.
- The Staff Report suggests that Gimbel offered the shared driveway. That is not correct. Staff suggested it as a compromise and Stuart Gimbel capitulated because he had a teenager in the high school and he did not want his child castigated by his peers over the extensive public controversy surrounding his 6-year struggle to plat Lot 1. Gimbel did not want to litigate the issue either, so he capitulated. He never offered the shared driveway access.
- The Staff Reports submits that nothing compelling has changed in the past 23 years to justify extinguishing the driveway restriction. I disagree. I believe it has become increasingly clearer that shared driveways are extremely undesirable and inherently problematical. Staff should be acutely aware of some of the adverse issues which have arisen in this context over the ensuing period of time.

Conclusion

Reiterating, we formally revise our request for amendment and expressly limit its scope to extinguishing the driveway restriction. We respectfully request your positive consideration of our petition for the following reasons:

1. While the other plat restrictions in general arguably provide a measurable benefit to neighbors, the driveway restriction does not. In fact it is double standard in the context of all of the properties listed in Exhibit "B", five of which have two driveway cuts and none of which have shared driveway access.
2. Shared driveways are undesirable and inherently problematical. They are virtually never created when there is direct access to a public street. Lot 1 has 304 feet of frontage along Westminster, more than any of the other properties in Exhibit "B". It was unprecedented to have denied direct access in 1997. To deny Lot 1 direct access with even one driveway cut is to perpetuate the punitive nature of that original mandate in 1997. Why? Why not correct that wrong?
3. If the Commissioners have visited the property then you are aware that there are approximately 100 feet of woods and landscaping between the existing driveway and the open lawn area of the building envelope. In contrast, there is only a 30 foot width of low quality/value vegetation along Westminster. A shared

driveway from the west would not only be more destructive but it would require 2-4 times as much **impervious surface** as a direct access driveway to Westminster.

4. Finally, the driveway restriction mandated in 1997, while stated to protect the streetscape along Westminster, was in a reality a punitive element of that approval process to appease the neighbors' vehement opposition to any subdivision. As set forth above, a single driveway cut to Westminster for Lot 1 neither hurts any of the neighbors nor diminishes anyone's vested rights or property values, and neither does it present any valid safety concerns.

Thank you for your consideration of the above. I remain

Very truly yours,

A handwritten signature in black ink that reads "Michael R. Adelman". The signature is written in a cursive, flowing style.

Michael R. Adelman

MRA/tbm

cc: Nancy & David Donovan

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JULY 3, 1996

Open Space Preservation ordinance. In fact, it is the intention of that said legislation that it not be used to arbitrarily deny subdivisions in their entirety but rather, to encourage the most creative solution in the design of a subdivision, so as to mitigate any impact on surrounding historic structures.

The staff believes that the current proposal, coupled with additional conditions, would result in a plan which would realize a reasonable development on the subject property relative to the underlying zoning, while respecting the historic nature of the neighboring estate. Specifically, the plan as submitted could be modified such that the building pad is shrunk to half of its current size and is located on the west side of the property. This would accomplish two things: 1) the open lawn area adjacent to the tennis courts and referenced in the Clarion report would be saved from any residence being built there, and 2) the resulting residence would be located in the center of the most thickly screened portion of the site. Additionally, if the north, west and south 50 feet of lot 1 is designated with a conservation easement prohibiting the destruction of any significant vegetation, the house would be well buffered from surrounding views.

The staff would also suggest that building size and height restrictions be placed on lot 1. By restricting the allowable size and height to 6,000 and 38 feet (the same limitations placed on a 60,000 s.f. lot in the Meadowood Park subdivision), rather than the permitted 8,000 s.f. and 45 feet, respectively and requiring that any house built on lot 1 first be approved by the Building Review Board, will help insure that the house is compatible and deferential to its surroundings. The staff would further suggest that a landscape plan be submitted and approved by the Building Review Board, in conjunction with plans for a new residence, the intent of which would be to augment the vegetative screening of the new house from the views to the east. Finally, the staff would also stipulate that the access to lot 1 be limited to the existing drive leading to the original residence. Prohibiting an additional curb cut would help preserve the existing Westminster streetscape.

With the conditions of approval outlined above, the staff believes that the proposed subdivision would be consistent with the Historic Residential and Open Space Preservation ordinance and the findings required for a special use permit.

Recommendation: Approve the planned preservation subdivision and necessary special use permit, subject to the following conditions:

1. The building pad on lot 1 shall be restricted to half the size shown

The staff believes that the current proposal with some additional conditions, would result in a plan which would realize a reasonable development on the subject property relative to the underlying zoning, while respecting the historic nature of the neighboring estate. Specifically, the plan has been modified such that the building pad is reduced to two-thirds of its permitted size and is located further to the west of the neighboring property than was proposed in the 1992 submittal. The staff would suggest that the building pad be reduced even further, to approximately 10,000 s.f., by moving the eastern edge of the building area 50 feet to the west of its current location. This would accomplish two things: 1) the open lawn area adjacent to the tennis courts and referenced in the Clarion reports would be spared from any residence being built there, and 2) the resulting residence would be located in the center of the most thickly screened portion of the site. Additionally, the north, west and south 50 feet of lot 1 is designated with a conservation easement prohibiting the destruction of any significant vegetation. Therefore the house will be well buffered from surrounding views.

The staff would also suggest that building size and height restrictions be placed on lot 1. By restricting the allowable size and height to 6,000 and 38 feet (the same limitations placed on a 60,000 s.f. lot in the Meadowood Park subdivision), rather than the permitted 8,000 s.f. and 45 feet, respectively, and requiring that the structure built on lot 1 first be approved by the Building Review Board, will help insure that the house is compatible and deferential to its surroundings. The staff would further suggest that a landscape plan be submitted and approved by the Building Review Board, in conjunction with plans for a new residence, the intent of which would be to augment the vegetative screening of the new house from the views to the east. Finally, the staff would also stipulate that the access to lot 1 be limited to the existing drive leading to the original residence. Prohibiting an additional curb cut will help preserve the existing Westminster streetscape.

With the conditions of approval outlined above, the staff believes that the proposed subdivision would be consistent with the Historic Residential and Open Space Preservation ordinance and the findings required for a special use permit.

Findings of Fact:

Special Use Permit With respect to the 7 required findings of fact of a Special Use Permit, the staff submits the following.

Because 1) the subdivision will create a 1.5 acre lot which is similar in

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size to many of the neighboring properties, which have resulted from similar subdivisions over the past 40 years, and 2) because the special use will be residential in nature and will result in a structure which is well buffered from surrounding residences and will be respectful to the scale, size and architectural styles of surrounding residences, the staff finds that:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Furthermore, because 1) the house built on lot 1 will first have to be approved by the Building Review Board which will consider scale and architecture, and 2) because the maximum size and height of the house will be restricted below what is otherwise permitted by the City's ordinances, the staff also finds that:

4. The exterior architectural appearance and functional plan of any proposed structure will not be incompatible with either the exterior architectural appearance and functional plan of structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district so as to cause a substantial depreciation in the property values within the neighborhood.

The staff also finds that:

5. Adequate utilities, access roads, drainage and or/necessary facilities have been or are being provided.

In addition, because the access to both lots 1 and 2 will be restricted to the existing curb cut on Westminster, the staff finds that:

6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

And finally, because the subdivision conforms to the minimum requirements for a lot-in-depth subdivision in an R4 zoned district, the staff finds that:

7. The special use shall conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council.

HROSP District

With respect to the 3 required findings of fact for a Planned Preservation Subdivision, the staff submits the following.

Because 1) the size of the resulting lot on which the original residence will sit will be well in excess of the minimum requirements for its underlying zoning, and because 2) the location of the new lot's building pad will be in a well screened area of the subject property, the staff finds that:

1. The application will not adversely affect the residential value, use or character of the (subject) property or structure nor deprive the structure of grounds of size, configuration and relative proportions necessary to preserve the integrity, value and character of the structure and to maintain its relationship with its surroundings.

In addition, because 1) the new lot will be 1-1/2 acres in size, which is consistent with the majority of lots that have been subdivided in the immediate area, because 2) the location of the building pad on the new lot will be as far from the adjacent estate house as possible and will be in the most screened portion of the site, and in so doing, will preserve the remnant allee on the subject property which was originally part of the adjacent estate's landscaping but which has been, to a large extent, obstructed and or built in due to preceding developments, because 3) the maximum size and height of the house will be kept to maximums below what is otherwise permitted by the City's ordinances, because 4) the architecture of the house will be reviewed and approved by the Building Review Board to insure its compatibility with the surrounding development, and because 5) there will be no additional curb cuts on Westminster which might otherwise alter the streetscape in the vicinity of the adjacent estate house, the staff finds that:

2. The application will not be significantly detrimental to the residential value, character, or use of any sites, streets, or areas within the Historic Residential and Open Space Preservation District visually related to or surrounding the site or structure which is the subject of the Special Use Permit.

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Furthermore, because 1) the house built on lot 1 will first have to be approved by the Building Review Board which will consider scale and architecture, and 2) because the maximum size and height of the house will be restricted below what is otherwise permitted by the City's ordinances, the Plan Commission also finds that:

4. The exterior architectural appearance and functional plan of any proposed structure will not be incompatible with either the exterior architectural appearance and functional plan of structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district so as to cause a substantial depreciation in the property values within the neighborhood.

The Plan Commission also finds that:

5. Adequate utilities, access roads, drainage and or/necessary facilities have been or are being provided.

In addition, because the access to both lots 1 and 2 will be restricted to the existing curb cut on Westminster, the Plan Commission finds that:

6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

And finally, because the subdivision conforms to the minimum requirements for a lot-in-depth subdivision in an R4 zoned district, the Plan Commission finds that:

7. The special use shall conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council.

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With respect to the 3 required findings of fact for a Planned Preservation Subdivision, the Plan Commission submits the following.

Because 1) the size of the resulting lot on which the original residence will sit will be well in excess of the minimum requirements for its underlying zoning, and because 2) the location of the new lot's building pad will be in a well screened area of the subject property, the Plan Commission finds that:

1. The application will not adversely affect the residential value, use or character of the (subject) property or structure nor deprive the structure of grounds of size, configuration and relative proportions

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OCTOBER 1996

necessary to preserve the integrity, value and character of the structure and to maintain its relationship with its surroundings.

In addition, because 1) the new lot will be 1-1/2 acres in size, which is consistent with the majority of lots that have been subdivided in the immediate area, because 2) the location of the building pad on the new lot will be as far from the adjacent estate house as possible and will be in the most screened portion of the site, and in so doing, will preserve the remnant alley on the subject property which was originally part of the adjacent estate's landscaping but which has been, to a large extent, obstructed and or built in due to preceding developments, because 3) the maximum size and height of the house will be kept to maximums below what is otherwise permitted by the City's ordinances, because 4) the architecture of the house will be reviewed and approved by the Building Review Board to insure its compatibility with the surrounding development, and because 5) there will be no additional curb cuts on Westminster which might otherwise alter the streetscape in the vicinity of the adjacent estate house, the Plan Commission finds that:

2. The application will not be significantly detrimental to the residential value, character, or use of any sites, streets, or areas within the Historic Residential and Open Space Preservation District visually related to or surrounding the site or structure which is the subject of the Special Use Permit.

Finally, because 1) the location of the building pad will be well screened from both the adjacent estate house as well as the subject property's original residence, as well as the adjacent pool structure which is part of the original estate inventory of significant features and because 2) the building pad will be surrounded by a conservation easement of existing mature vegetation which is outside of the areas of the remaining portion of the original allees, the Plan Commission finds that:

3. The application will not materially damage, destroy, change or neglect: (1) those primary elements or features of a structure which enhance such structure's residential value, use or character; or (2) any other significant elements or features of the property that contribute to the ambiance of the Historic Residential and Open Space Preservation District.

Recommendation: Approve the Planned Preservation Subdivision and necessary special use permit, subject to the following conditions:

1. The front yard setback area shall be increased to 63 feet.

EXHIBIT "B"

WESTMINSTER AVENUE LOT STREET FRONTAGES MATRIX

Street Number	Owner Name	Linear Feet Frontage	Driveway Cuts	Percent Screening	Comments
<u>NORTH SIDE OF WESTMINSTER AVENUE</u>					
80	Hemang Mehta	195	Two (2)	85% screened	
120	Timm Reynolds	195	Two (2)	No screening	East drive aligns w/ 111
146	Kathryn Fluri	195	Two (2)	15% screened	Opposite 111 tennis courts
162	Luke Lincoln	265	One (1)	No screening	formerly Peter Carney's
234	Chicago Title Trust	290	Two (2)	No screening	Across from Wesley's 265
258	JGE Holdings	290	Two (2)	No screening	Next to cul de sac
<u>SOUTH SIDE OF WESTMINSTER AVENUE</u>					
111	ATG Trust	275	One (1)	90% screened	
211	Nancy Donovan	304	NONE	100% screened	***SUBJECT LOT***
225	Kimberly Wesley	180	One (1)	50% screened	
245	Lynn Villalobos	165	One (1)	50% screened	
265	Kathryn Harper	165	One (1)	50% screened	Next to cul de sac



BARTLETT TREE EXPERTS

1960 OLD WILLOW ROAD, NORTHBROOK, IL • (847) 559-9424 • FAX (847) 559-9423

Dear Mr. and Mrs. Donovan,

8/5/2020

Todd Ozog from Rocco Fiore asked me to stop by to look at the trees in Lot 1 with respect to having driveway access to that lot. I am not familiar with the City of Lake Forest's ordinances regarding curb cuts or versus right away access from the existing driveway. I am familiar with trees.

If access to a potential new home were to be from the existing driveway, depending on where it is located, there is a potential that Silver Maple, Spruce, Hawthorn, American Elm and Linden would have to be removed.

If access were allowed off W. Westminster near the east end, Buckthorn, Mulberry, Black Cherry and Norway Maple would have to be removed.

Only speaking from a tree quality point of view, removing Buckthorn and Mulberry would be better than removing Silver maple, American Elm and Spruce.

Please feel free to contact me with any questions.

Sincerely,

Tom Ginnow
Certified Arborist IL 0764A
1960 Old Willow Rd
Northbrook, IL 60062

Correspondence

Gimbel Subdivision – Request for Amendment to Plat

Norm Wesley
225 West Westminster Road
Lake Forest, Illinois 60045

September 3, 2020

Cathy Zerniac
City of Lake Forest Planning Commission
800 Field Drive
Lake Forest, Illinois 60045

Dear Cathy,

My wife Kim and I live at 225 W. Westminster Road in Lake Forest. We recently received notice of the request to amend the Gimbel plot in our subdivision. The property is at 211 W. Westminster Road which is next to our home. We had no idea that the property was subdivided in 1997.

We definitely are not in favor of changing the requirements in the original approval documents. We are concerned about anyone building on this lot. While we respect the owner's rights, we understand there has been drainage and flooding issues on the existing property. Several houses on our street have gotten water in their basements during heavy rains. We have been fortunate not to have any flooding at our home. We are concerned that changes to the properties could result in drainage or flooding issues on our property.

Building a second home on the property certainly doesn't fit with the look and feel on our street. It leaves the current property at 211 W. Westminster essentially sitting on a "flag" lot. We have nothing like this on our street. We are concerned with the impact this will have on the value of our property as well as other properties on our street. The current owners will have moved and therefore have little regard for the values of neighbors' properties.

We would hope that the city wouldn't change the amendments as proposed without considering the potential drainage issues or the degradation in the values of all the other homes on our street. When the lot was subdivided I'm assuming there was careful consideration on the conditions/restrictions involving this lot. While we guess the city would be unwilling to change the current zoning we see no reason to make additional changes in the restrictions.

Norm Wesley
225 West Westminster Road
Lake Forest, Illinois 60045

September 3, 2020
Cathy Zerniac
Page Two

I'm going to be out of town September 9th and unable to attend the meeting by phone. I would ask that you accept this letter as both my testimony and my objection to the proposed changes.

Thank you all for asking for our input.

Most cordially,


Norm Wesley

Additional Correspondence Received
Gimbel Subdivision – Plat Amendment

Timm R. Reynolds

September 6, 2020

Ms. Catherine Czerniak
Director of Community Development
The City of Lake Forest
800 Field Drive
Lake Forest, IL. 60045

Dear Cathy,

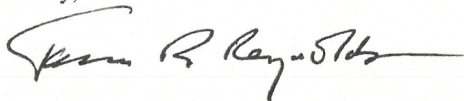
According to the Plan Commission agenda, a petition for the change to the Gimbel subdivision of 1997 was submitted for review on Wednesday, September 9, 2020. Since I moved to the neighborhood in 1988, was friends of both the petitioner and the occupant of the Noble Judah house to the east in the 1990's, and served on the Zoning Board of Appeals at that time, I am quite familiar with the elements of the approval of this subdivision and the considerable controversy surrounding it.

I believe that your memo fairly and thoroughly covers the factual elements surrounding the issues with this subdivision. I would like to add a few additional thoughts for consideration as follows:

1. West Westminster is a street that does not have any lots in depth along its length. While the petitioner has the right to build on the undeveloped lot, it would be the first on the street and adding an additional curb cut would make this anomaly even more apparent.
2. Several individuals have recently bought homes along this street and one is presently constructing a new home to replace one formerly on the lot. Also, many of us have maintained our houses with the understanding that the Gimbel subdivision as previously approved would remain in effect. A change to this would, in my opinion, have an unnecessary negative effect on property values.
3. Lake Forest has always prided itself on protecting the magnificent estate homes in our community. The Connells have worked hard to protect the Noble Judah estate to the east of the lot. We are lucky to have neighbors such as they who value the traditions and culture of our community. I would vigorously protest any action that undermines this historic residence and the countless hours they have spent restoring, researching and maintaining this magnificent residence.

I hope this letter is of some help in assessing this petition. Thank you so much for all you and the members of the Plan Commission do for the City of Lake Forest. It is what makes our community such a special place.

Sincerely,



120 W. WESTMINSTER RD. • LAKE FOREST, IL • 60045

Phone: (847) 295-8001 • Fax: (847) 295-8002

Czerniak, Cathy

From: Amy Lincoln <amylincoln@me.com>
Sent: Tuesday, September 8, 2020 9:31 AM
To: Czerniak, Cathy
Cc: Luke Lincoln
Subject: Plan Commission 9/9 - Amendment to Gimbel Plat of Subdivision

CAUTION: This email originated from outside the organization. Verify the legitimacy of the email with the sender before clicking links or opening attachments from unexpected sources.

Dear Cathy and Members of the Plan Commission:

Luke and I live at 162 W. Westminster which is directly across the street from Lot 1 at 211 W. Westminster or the Gimbel Subdivision. We are writing to strongly object to both of the proposed changes the Gimbel Plat of Subdivision at 211 W. Westminster.

ADDITIONAL CURB CUT:

For both safety and visual reasons, we object to eliminating the noted requirement that "There shall be no additional curb cuts from Lot 1 onto Westminster Avenue." From a safety standpoint, there is a lot of foot traffic on this sidewalk-less street as there is an entrance to Open Lands at the west end. Personally, we have two young boys who are constantly on their bikes, roller blades, and walking or running up and down this street. Adding another entrance directly across from our property increases presents more opportunity for an accident, especially if the new driveway is installed as currently marked. In 2009 we requested an additional curb cut to the property we owned at 797 N. Sheridan Road, and we were denied for this very safety reason. We hope that you are able to abide by precedent in this situation.

A second curb cut also visually detracts from our view. The appeal of our property and others on this dead end street is that all of the homes on the south side of West Westminster sit on large lots, well back and largely hidden from the parkway. A separate driveway will bring this potential new home into our direct view and will change the character of the street and subsequently the future marketability of our home.

ELIMINATION OF THE CONSERVATION EASEMENT ON THE SOUTH PROPERTY LINE:

We also object to the elimination of the conservation easement on the south property line. Conservation easements usually are installed for a purpose that protects the land and comes with some type of tax or financial benefit in exchange for restricting the usability of the land. Presumably the Gimbels received some type of benefit from that easement in 1997 as did the current property owner, Oakmont Partners, LLC, when they purchased it in 2002. There is no explanation of why the easement was put in the original document so it is hard to argue other than to say that it is important for our community to stand behind all previously granted conservation easements. Fundamentally, why should we as a community allow someone to benefit from two restrictions on a property and then allow them to remove the restrictions so they can benefit again when they go to sell and move away?

We appreciate the opportunity to express our views and thank you for distributing our comments to the other committee members. Please feel free to contact either of us with questions. One of us will try to attend the meeting this Wednesday as we juggle youth hockey practices. Thank you for the consideration.

Amy (312) 952-5606 and Luke (847) 902 1758

James and Katherine Fluri
146 W. Westminster
Lake Forest, IL 60045
Jim: 847-207-9346 Kathy: 847-970-0102

September 8, 2020

Via email czerniac@cityoflakeforest.com
Ms. Catherine Czerniak
Director of Community Development
The City of Lake Forest
800 Field Drive
Lake Forest, Illinois 60045

RE: Consideration of Approval of Amendments for 211 W. Westminster

Dear Cathy:

While my wife Kathy and I have only lived at our home at 146 W. Westminster for approximately two years, we have quickly come to appreciate the special nature of West Westminster Avenue. We are writing regarding the request for an Amendment to the plat of the Gimbel Subdivision. While recognizing that Lot 1 is currently buildable under the current plat of subdivision, we wish to express our objection to the proposed changes to the subdivision.

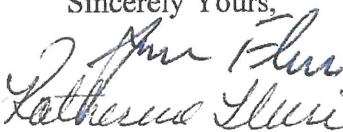
First and foremost, as the staff notes in their report and recommendations, when the Gimbel Subdivision was approved in 1997, I am certain the process was thorough and complete and there is no compelling reason to change the findings and circumstances from when the subdivision was first approved.

Secondly, although West Westminster is a dead end street, the traffic of its residences, visitors, landscapers and those entering the Open Lands is significant. Allowing a new curb cut for an additional driveway ingress and egress will be an additional and unnecessary safety concern.

Finally, the conservation easement was put in place with purpose. Given the unique and special nature of this street, we see no reason to remove what is in place.

Thank you in advance for your consideration of our thoughts and your efforts in maintaining the nature and charm of Lake Forest.

Sincerely Yours,


James and Katherine Fluri

O'Donnell Callaghan LLC

Robert T. O'Donnell
Gerald P. Callaghan

28045 Ashley Circle, Suite 101
Libertyville, Illinois 60048

847-367-2750
Fax: 847-367-2758

Adam J. Findlay
Hayleigh K. Herchenbach
Heather M. Bessinger
Richard S. Mittelman, P.C.

rodonnell@och-law.com

September 8, 2020

VIA EMAIL

City of Lake Forest Plan Commission
c/o Ms. Catherine Czerniak
Director of Community Development
800 N. Field Drive
Lake Forest, IL 60045
czerniak@cityoflakeforest.com

**Re: Objection to Request for Amendment to Plat
of Subdivision
211 W. Westminster Avenue, Lake Forest, IL**

Dear Ms. Czerniak:

We represent William Connell, the owner of the property located at 111 W. Westminster. This letter is to oppose the request of Oakmont Partners, LLC, current owner of Lots 1 and Lots 2 in the Gimbel Subdivision, to amend the original plat of subdivision. Specifically, the request to eliminate the shared driveway requirement and the prohibition on driveway cuts to Westminster, and the request to eliminate the conservation easement over the south 50 feet of Lot 1. After reviewing the application and Statement of Intent, it is evident that the applicant's justification is insufficient to warrant granting her request for an amendment to the Gimbel Subdivision plat.

These proposed amendments to the plat of subdivision will not only have a negative impact on Mr. Connell's property, but will also directly contravene the letter and spirit in which the subdivision and its associated restrictions were created. Our additional objections are as follows:

Amendments to the Plat of Subdivision:

- First off, it should be noted that there is no planned project as of yet; this request comes from an owner who has the home on Lot 2 and is looking to make the extra lot, *i.e.*, Lot 1, more marketable. However, there is no claim that the restrictions on the property are either inherently unfair or impose any particular hardship.
- As the applicant notes in its Owner's Statement of Intent, the subject property is a Planned Preservation Subdivision due to its historic character. The Notes included on the plat of subdivision were not intended to create needless restrictions for the owner(s) of the property, but rather to preserve its integrity. The terms in the Notes must continue to be observed in order to maintain the historic character of the area.
- To wit, Mr. Connell's house, the Noble Brandon Judah house, is on the National Register of Historic Places and is an Illinois Historic Landmark. In fact, Mr. Connell

has spent a considerable amount of effort and money restoring his house and property and his efforts have earned two awards from the Lake Forest Foundation for historic preservation. Both Mr. Connell and the applicant's houses are in the Lake Forest historic district; thus, special attention must be given to preserving these properties.

- Mr. Connell purchased his property and invested in its restoration with the understanding that certain lot restrictions in the surrounding area, which are a matter of public record, would continue to be maintained. The division of the subject property into two lots came only after a years-long contentious process; relaxing the restrictions at this time would undermine that years of negotiation. Moreover, it would set an unwelcome precedent that the City is open to further loosening of restrictions throughout Lake Forest. This could potentially undermine the confidence of existing and prospective owners that the City will retain its unique character.
- There is apparently some concern about shared driveways; however, there are many shared driveways throughout the City. Disputes are generally handled by a homeowners' association with little difficulty. There is no reason to believe that these properties will have a different experience.
- Mr. Connell's property has one of the few remaining historic grass tennis courts in the United States; as such it has both historic and architectural significance. The tennis court is located near the border of his property and the applicant's. Permitting the amendments to the plat would threaten this unique feature on Mr. Connell's property.
- The current streetscape along the south side of Westminster is a long stretch of green plantings. It would be aesthetically unappealing to break up that view with a curb cut.

Conservation Easement


- We understand that the City uses different terminology today in creating open spaces; however, when this plat of subdivision was created, certain lands were specifically designated as conservation easements. Those conservation easements cannot be extinguished or otherwise amended without due consideration.
- Conservation easements, generally, are governed by the Real Property Conservation Rights Act, 765 ILCS 120 *et seq.* According to statute, a conservation easement may only be extinguished by such procedure set forth in the conservation right or by a release of the conservation right in accordance with the terms of the conservation right. 765 ILCS 120/6. The applicant has not identified by what mechanism it is entitled to amend the conservation easement or whether such procedures exist within the conservation easement created by the Gimbel Subdivision. Note 4 of the Plat of Gimbel Subdivision does not set forth any such procedures.
- The Act otherwise provides that an amendment to a conservation easement "shall not materially and adversely affect the conservation purposes...or facilitate the extinguishment of the conservation right." 765 ILCS 120/1.
- The proposal to eliminate the south conservation easement contains an error. It states there is only lawn on the south conservation easement outside of some landscaping on the west side. In fact, there is vegetation on the east side that is critical to providing screening between Mr. Connell's property and the applicant's property.
- The existing easements are critical in managing stormwater drainage. Mr. Connell added an extension to his stormwater drainage project in an effort to alleviate chronic flooding on the applicant's property. Eliminating the conservation easements could

result in changes to drainage patterns that, in turn, could cause a setback in the flooding situation.

- By allowing the extinguishment of the south easement area and permitting curb cuts that would impact the north conservation easement area, the City would be undermining its authority as the holder of such easements.

This list of objections is substantial, but is by no means exhaustive. Mr. Connell feels strongly that the restrictions should remain intact as the owner of a neighboring historic property, and hopes that the Plan Commission gives serious consideration to these objections.

Very truly yours,
O'Donnell Callaghan LLC

A handwritten signature in blue ink that reads "Robert T. O'Donnell". The signature is written in a cursive, flowing style.

Robert T. O'Donnell

ROD/hb

cc: William Connell (*via email*)

Plan Commission Meeting – September 9, 2020
Agenda Item 5

Southeast Corner of Everett and Waukegan Roads - Issue Property
Mixed Use Development – Professional Office and Commercial Building

Requests for Special Use Permit for a Drive Thru and Variances

Staff Report and Recommendation
Vicinity Map
Air Photos

Material Submitted by the Petitioner

Application
Statement of Intent
Letter Sent to Neighbors by Petitioners
Neighborhood Context Map
Illustrated Site Plan
Engineering Plans
- Site Plan
- Grading Plan
- Utility Plan – Stormwater Management
Landscape Plan – Conceptual
Lighting Plan - Conceptual
Architectural Plans
- Retail Building
- Medical Office Building

Correspondence



STAFF REPORT AND RECOMMENDATION

TO:	Chairman Kehr and members of the Plan Commission
DATE:	September 9, 2020
FROM:	Catherine J. Czerniak, Director of Community Development
SUBJECT:	<i>New Commercial/Office Development - SE Corner Waukegan and Everett Roads</i>

Property Owner

1015 LLC and 1045 LLC
Carmin Iosue 65%
Luke and Nicole Mertens 14%
Joshua Iosue 7%
Megan Iosue 7%
Joseph Iosue 7%

Property Location

Southeast Corner –
Waukegan/Everett Roads

Zoning District

B-1 – Neighborhood Business
District

Applicant: Iosue Investments, LLC (Developer)
1025 W. Everett Road
Lake Forest, IL 60045

Representative Jack Frigo, Real Estate Advisor
Various consultants

Summary of the Request

This is a request for approval of a new development on the southeast corner of Everett and Waukegan Roads. The petition includes: review of the overall site plan and proposed uses for conformance with the B-1, Neighborhood Business District; consideration of variances from setback, lot coverage and parking requirements; and consideration of a Special Use Permit for a drive thru for a yet to be determined coffee shop or similar business. The Special Use Permit can incorporate the various approvals requested from the Commission.

A height variance for the medical office building is also requested and is under the purview of the Building Review Board.

Background

The property proposed for redevelopment is about one and a half acres in size and is configured in an L-shape with the narrower portion of the site at the southeast corner of Everett and Waukegan Roads. The southern portion of the site, the bottom of the “L”, is wider and borders residential developments to the east and south. Since the Commission last considered a development proposal for this site, the land was purchased by the owner of the adjacent property, the 1025 Everett Road office building. With the parcels now in a single ownership as they were many years ago, the plan is to incorporate two new buildings and the existing office building into a single campus-type development with shared parking and access, green space and pedestrian connections.

Presently, the site is about 80% impervious surface with no significant landscaping along the streetscapes and little buffer from the adjacent residential properties. Redevelopment of this site has long been anticipated and will enhance the southern entrance to Lake Forest and the Waukegan

Road/Settler's Square business and provide increased services to residents in the surrounding areas. The proposed development provides perimeter landscaping to soften the transition between the commercial property and the adjacent residential developments.

History

For many years, this property was owned by the Wilson family and was formerly the site of an Amoco gas station and the Pasquesi garden supply store. Both businesses vacated the site in 2008 and the site has been unoccupied since that time. The gas station building and the underground fuel tanks were removed from the site a number of years ago.

In 2008, the City approved a plan for redevelopment of this site with retail and service businesses. A drug store with a drive thru for a pharmacy was proposed on the southern part of the site, a smaller, multi-tenant commercial building was proposed on the northern end of the site, at the corner. Due to the economic downturn, the redevelopment of the site as approved in 2008 did not proceed.

In 2011, the property was acquired by IP Properties, the local Stuart family, as a long term investment. In 2015 and 2016, the Plan Commission considered a petition for a gas station, car wash and convenience store on this property. That proposal did not receive approval due to the industrial nature of the use and the potential for off site impacts including noise, lights, traffic congestion and early morning and late night activity.

In 2019, Iosue Investments purchased the property and completed some cleanup of the site including removal of the former Pasquesi garden store building. Mr. Iosue and his partners were the perfect buyers for the site because they have the ability to combine this site with the office parcel to the east which is approximately 30,000 square feet creating an overall development parcel of approximately 2.3 acres. With the larger, combined site, there are opportunities for improved access to the overall site and for the various buildings to share services and amenities.

Review of Proposed Site Plan

The petitioner proposes to construct two new buildings on the site as described in the letter included in the Commission's packet. A three story medical office building on the southern portion of the site and a small commercial building near the corner of Everett and Waukegan Roads. When completed, the overall development site will include two office buildings, one exists on the adjacent site today, and a commercial building intended for a coffee shop or similar business.

Key Issues

❖ Comprehensive Plan

As the Plan Commission is aware, the Comprehensive Plan Chapter pertaining to the Waukegan Road/Settlers' Square Business District was recently updated. This site is identified as an "Opportunity Area" for mixed use development. The proposed development includes offices of varying sizes for predominately medical professionals but there are also opportunities for other types of office uses in the existing building. The plan also includes a small commercial building which is identified by the petitioner as being designed for a coffee shop tenant.

The proposed development is consistent with several of the Fundamental Concepts of the Comprehensive Plan for this area.

Comprehensive Plan: Encourage a balance of different types of commercial uses recognizing that retail and restaurant businesses require support from professional offices, located nearby to add to the customer base.

Comprehensive Plan: Provide flexibility; the ability to incorporate various types of uses along Waukegan Road to create synergy and a vital business district.

The plan as proposed will bring medical professionals, administrative staff and patients into this area. Those coming to the new development are likely to eat lunch, pick up dinner or take advantage of services available in the area before, after or during their work day.

Comprehensive Plan: Limit uses in the district to those that are low impact non-industrial in nature with respect to noise, lighting levels, late night activity, public safety, congestion, odors, exhaust and mechanical equipment.

The proposed plan is non-industrial in nature. The uses proposed are primarily daytime uses with some evening activity. The proposed uses do not generate excessive noise or exhaust, all mechanical equipment for the buildings will be fully screened from view.

The Building Review Board will review a detailed lighting plan to verify that all lighting is directed down and on to the site, that light fixtures fully obscure the light source, and that as determined to be appropriate, drop down shields are installed on parking lot lights near the residential property lines. An after hours reduced lighting plan for the overall site and the building will be required to document that lighting levels will be reduced as activity on the site diminishes in the evening and that through the night, only safety and security lighting is in use.

Comprehensive Plan: Encourage partnerships, collaboration and cooperation among businesses, institutions and professional offices in the district.

Shared use of parking spaces is an example of cooperation between nearby property owners. Making use of parking that is utilized only on a limited basis to meet the demands from neighboring developments that may operate at other times, encourages pedestrian activity through the area and avoids overbuilding parking overall.

Comprehensive Plan: Reserve land for future right-of-way dedication as redevelopment occurs along Waukegan and Everett Roads as determined to be necessary by IDOT and the City Engineer to meet future road improvement needs.

The petitioner has been proactive in communicating with IDOT and the City about planned roadway improvements. The plan as presented reserves the land needed for future right-of-way.

The intersection improvement project is designed, a copy of the plan is attached to this staff report for the Commission's information. Based on the approved design, it appears that Federal funding for a portion of the project will likely be secured to allow the project to move forward. The project involves the addition of a right turn lane on southbound Waukegan Road and the addition of a right turn lane on eastbound Everett Road. The right turn lane on Everett Road will extend west, across the railroad tracks, to provide for significant stacking. The addition of the right turn lanes is intended to allow traffic to flow more smoothly through the intersection. This intersection project has been in the queue with Federal and State agencies and with Metra for quite some time however, the project still appears to be two to three years out.

Additional width will be added to the Everett Road right of way along the north edge of the proposed development. The developer, Mr. Iouse, has already agreed to transfer the required land

area to the City to support the project and the property lines on the proposed site plan reflect the land transfer. This added width will facilitate turning movements eastbound on to Everett Road from Waukegan Road. In addition, the existing left turn stacking lane for vehicles traveling westbound on Everett Road will be extended to the east to provide additional space for queuing and to facilitate left turns into the development site.

Comprehensive Plan: Encourage outlots, close to the streetscape to increase visibility and awareness of the business district.

Both of the proposed buildings are close to the street and will have a streetscape presence. Although parking on the site will be visible from the roadway, the parking lot will not be first and foremost on the site. The buildings are designed to attract attention, the smaller commercial building is designed to relate to the more traditional buildings on the north side of Everett Road and the existing office building to the east. The new three story medical office building is designed in a more contemporary style, while still relating to the more traditional buildings through design elements and materials. The medical office building is intended to catch people's attention as they approach the business district from the south.

Comprehensive Plan: Encourage below grade/ low structure parking as redevelopment occurs to meet parking needs. Minimize the expanse of surface parking lots to provide opportunities for increased density and intensity of use.

Parking under the office building was considered by the petitioner but was determined to not be feasible. However, surface parking on the site is not maximized. Employees will be required to walk some distance to off site parking spaces. In return, there are some expanded opportunities for green space and pedestrian walkways on the site in an effort to achieve the desired campus-like character.

Comprehensive Plan: Provide transition/ buffer areas for adjacent residential uses. Direct the placement of delivery and trash areas away from neighboring homes.

Landscape buffer areas are provided along the east and south perimeter of the development site, adjacent to the residential areas. More detailed information is needed from the petitioner to confirm the size of the landscaped areas however they appear appropriately sized to support vegetation. A six foot fence is proposed along the property lines shared with the neighboring residential developments.

Trash collection areas are limited and well screened. Although the trash area for the office buildings is located along the east property line, a vegetative buffer is provided between the trash area and the fence along the property line and importantly, the trash generated by office buildings is low volume and non-offensive. A loading zone is provided along the north side of the new office building, overall deliveries will be limited due to the type of uses in the development.

Comprehensive Plan: Direct all exterior lighting downward and require fixtures to shield the source of light to avoid off site impacts on adjacent residential properties. Reduce lighting levels after business hours.

Lighting will be reviewed by the Building Review Board.

The proposed development is consistent with the Comprehensive Plan designation for the property, with the fundamental concepts of the Plan, and with the directives for this particular site.

❖ **Zoning**

The purpose of the B-1 district as stated in the Zoning Code is as follows:

The B-1 Neighborhood Business District is designed to accommodate small retail and service businesses required to meet the frequently recurring needs of residents in adjacent or nearby residential areas.

The proposed mixed use development will add a medical office building to this long vacant corner along with a small commercial building. Both of these uses will add to the overall vitality of the area by attracting employees, patients and customers. The development is on a prominent corner, at the southern entrance to the business district. Development of the site with well designed buildings and a well landscaped streetscape, and with relatively low impact uses, responds to the input heard from the community over the past several years about this site.

The following requirements in the B-1 Zoning District are applicable to this development.

Setbacks. Front and corner side yard setbacks of 20 feet are required in the B-1 Zoning District. The 20 foot setback line is shown as a light red dashed line on the colored site plan in the Commission's packet. The development fully complies with the 20 foot setback along Everett Road. It is important to note that the 20 foot setback is measured from the *new* property line as shown on the plan, anticipating the dedication of right-of-way to the City to allow increased width of Everett Road.

The small, commercial building at the corner fully complies with the 20 foot setback.

A small portion of the west façade of the medical office building encroaches into the 20 foot setback along Waukegan Road; a small portion of the center element and a portion of a sun shade.

A variance is requested. As the plans are defined, the exact extent of the encroachment will be defined and if the variance is approved, the exact dimension will be noted in the Special Use Permit.

Lot Coverage. The B-1 District allows buildings to cover up to 30% of the entire land area. The Code provides for a development bonus allowing coverage of up to 45% through the issuance of a Special Use Permit. Based on the information available, it appears that the lot coverage in the proposed development is approximately 40%. The developer is working to verify that exact percentage. Given the importance of this development as a gateway into the business district and based on the quality of the overall plan with significant landscaping proposed, the development bonus offered by the Code appears to be justified in this case.

Open Space. The B-2 District requires 15% of the site to be open space. The Code for purposes of this requirement, defines open space to include landscape perimeters, pedestrian paths and gathering areas and is intended to enhance the development site as well as the streetscape.

Perimeter Buffering. The Code does not establish a specific setback distance for parking lots from adjacent residential properties, but does require that the parking lots be adequately screened by landscaping, fencing or both. A landscape strip of approximately 8 to 10 feet is planned along the east and south property lines along with a six foot fence.

Screening of Trash Enclosures. The trash area is located generally along the farthest east property line. Information on the treatment of this enclosure and the pickup procedures and times should be explained in detail to allow an understanding of the potential impacts, or lack thereof, on the adjacent residential areas.

❖ **Safe and efficient ingress and egress.**

At the time of this writing, staff understands that preparation of a traffic and parking study is nearing completion and that the study will be submitted to the City soon.

Staff recommendation: Direct staff to provide the Traffic/Parking Study to the City Engineer for review and comment once it is received.

One of the most difficult aspects of this site, regardless of how the site is developed, is the ingress and egress. The site itself, with its proximity to the intersection and the long, narrow configuration of the parcel, presents limited ingress and egress opportunities however, with the incorporation of the developed property to the east into the overall campus plan, the ingress and egress opportunities are significantly improved over what was possible with the two previous developments that were proposed for this site.

A total of three access points to the entire 2.3 acre site are proposed.

- A full access is proposed at the southwest corner of the site, on to Waukegan Road. This access will accommodate full turning movements.
- An access with limited turning movements, right in and right out, is proposed between the medical office building and the smaller building, on Waukegan Road. This access is set away from the intersection but for safety, left turn movements in to or out of the site are not permitted.
- A third access point is located at the northeast corner of the entire 2.3 acre site. This access point already exists at the entrance to the 1025 Everett Road office building. This access will continue to allow full turning movements. By consolidating the existing office building site with the larger site, the access on Everett Road is moved significantly away from the intersection, a great benefit to the site. The left turn stacking lane for westbound Everett Road will be elongated in this area, extended to the east to facilitate turning movements into the development site.

Bicycle racks are provided on the site at two locations to support and encourage alternative modes of transportation.

❖ **Parking.**

Based on the conceptual site plan submitted, just under 100 parking spaces are provided on the site, five of those are accessible spaces. Based on the rough square footage of the buildings, approximately an additional 60 spaces would be required to meet the Code requirement of four parking spaces per 1,000 square feet of building area. This number is at the high end because for purposes of the calculation at this point, the *total* building square footage was used. The petitioner is working to refine the building square footage to separate out the square footage of the common areas; the lobby, corridors, mechanical areas and restrooms, from the office areas. This information will allow a final calculation of the number of spaces for which a variance is requested, something less than 60 spaces.

The petitioner proposes to meet the parking demand through use of existing off site parking. The petitioner currently has an agreement with St. Mary's Primary School which allows limited employee parking for the existing office building on the St. Mary's site, just across Everett Road. In addition, the petitioner intends to have tenants direct employees to park in the public parking lot on the west side of the railroad tracks to assure that parking spaces are always available on site for patients and customers.

Variances from the required number of parking spaces have been granted to developments in the Waukegan Road/Settler's Square Business District in the past. Conditions of other Special Use Permits require employees of North Shore Medical and Forest Square to park in the public parking lot on the west side of the railroad tracks if sufficient parking is not available for customers and businesses on site. Monthly or annual permits are available for the public lots and parking fees can be paid on a daily basis, from a mobile phone, as well. Although remote parking will require employees to walk a block or so, the distance is likely no greater than the distance walked by employees at the hospital from their cars to the building.

In the case of this petition, as noted above in this staff report, early consideration was given to providing underground parking for the new medical office building however, the cost of doing so made the economics of the project problematic. The petitioner or the petitioner's representative may be able to provide more background on the discussions to date and decisions about parking.

Staff recommendation: Direct the petitioner and staff to prepare detailed information on the on site parking spaces provided and the useable square footage of the existing and new office buildings to allow for a final calculation of the number of on site parking spaces for which a variance is requested. This information will also allow an understanding of the number of off site parking spaces needed and confirmation that parking needs of employees, customers and patients can be satisfactorily met through a combination of on site and off site spaces.

❖ *Drive Thru*

As noted above, the petitioner is requesting approval of a drive thru for the small commercial building near the corner to support a coffee shop or similar business. The City Engineer completed a preliminary review of the geometrics of the drive thru and noted that the radii of the corners appear tight however, there is sufficient room to make some adjustments as engineering plans are finalized.

The Code requires that a drive thru be authorized, if determined to be appropriate, through a Special Use Permit. Often, Special Use Permits are issued to specific businesses however, the requested Special Use Permit in this case will cover various aspects of the site. The approvals can be written to limit the use of the drive thru to only a coffee shop. If another type of business is proposed in the space and desires to use the drive thru, an amendment to the Special Use Permit would need to be considered.

The drive thru as proposed does not interfere with on street traffic since the access points to the overall development are set apart from the drive thru lane. Pedestrian pathways appear to be adequately separated and protected from the drive thru lane.

Public Comment

Public notice of this petition was provided by the petitioner in accordance with applicable requirements. A notice was sent by certified mail to surrounding property owners by the petitioner. Representatives of the petitioner also directly contacted some residents, business/property owners and representatives of St. Patrick's and St. Mary's. The petitioner had planned to have a neighborhood meeting however, in the interest of public health, the meeting was not held.

Notice of the public hearing was also mailed by the Community Development Department to surrounding properties and the a notice was published in the local newspaper. The agenda for this meeting was posted at various public locations and on the City's website.

Written correspondence received was included in the Commission's packet and any correspondence received after the packet was distributed will be forwarded to the Commission by email prior to the meeting.

Staff Recommendation

State general support for the overall project; the site plan, the variances requested, the Special Use Permit authorizing a drive through for a coffee shop or similar business and lot coverage with buildings of no more than 45% of the site.

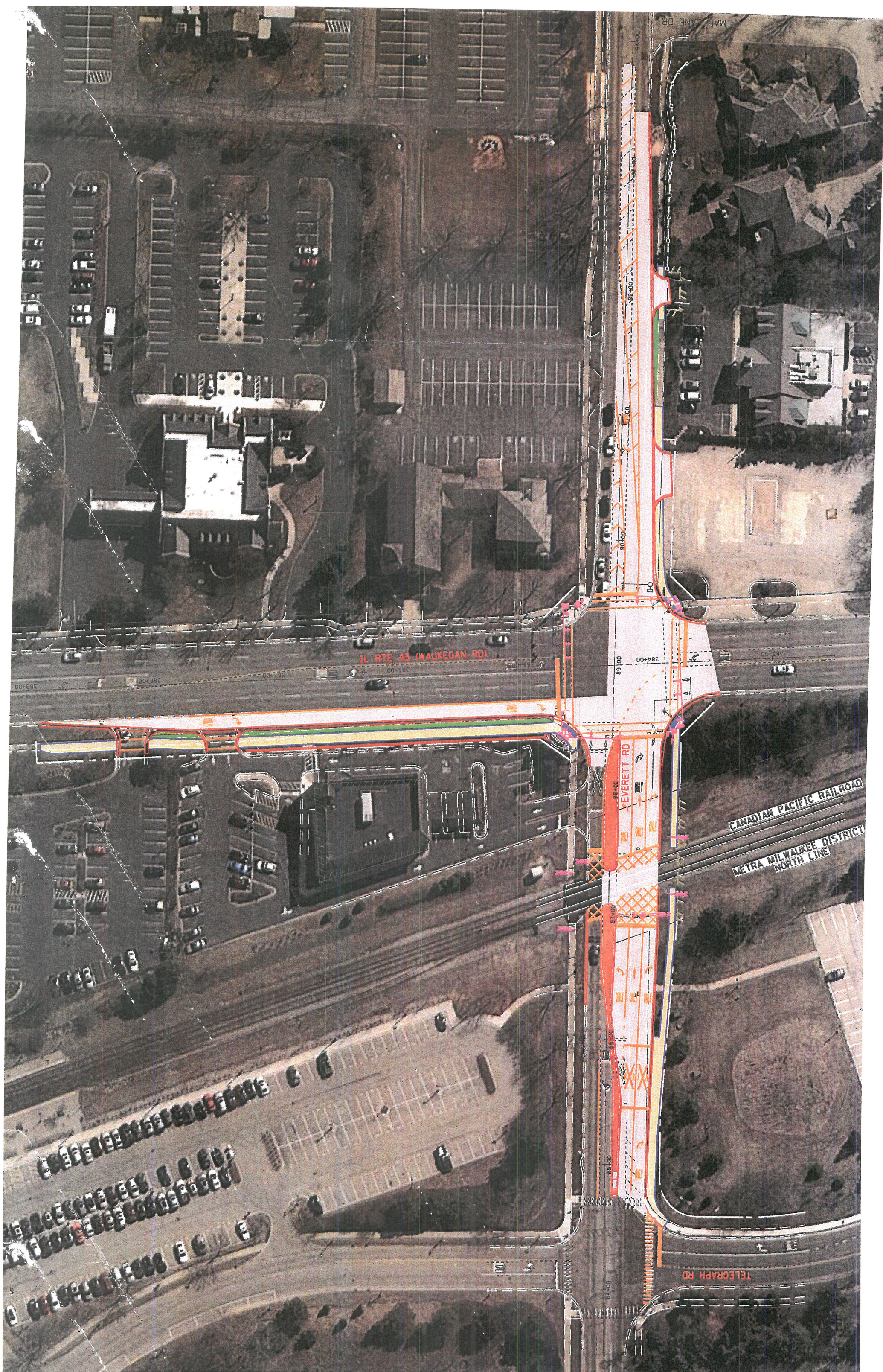
Approve a motion to continue the petition with direction to the petitioner and staff to do the following with the intention that the petition will return to the Commission for final action at the earliest opportunity:

To the petitioner:

1. Present the plan to the Building Review Board for review and a recommendation on the design aspects and details of the site plan, buildings, landscaping and lighting.
2. Submit the traffic and parking study to the City for review and comment. Refine the plan as may be necessary.
3. Prepare a parking and site circulation plan. Clearly delineate and number all on site parking spaces. Delineate the vehicle travel lanes and pedestrian walkways. Include a table on the plan documenting the square footage of each building. For the office building, distinguish between the common areas such as the lobby, corridors, mechanical areas and restrooms and the useable office space. This table should document the required number of parking spaces, the number provided on the site and the number of spaces for which a variance is requested.
4. 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. (The exact dimensions will allow the extent of variances to be detailed in the Special Use Permit.)
5. Provide a summary of any sustainable (green) features that are incorporated into the site or the building.

To City staff:

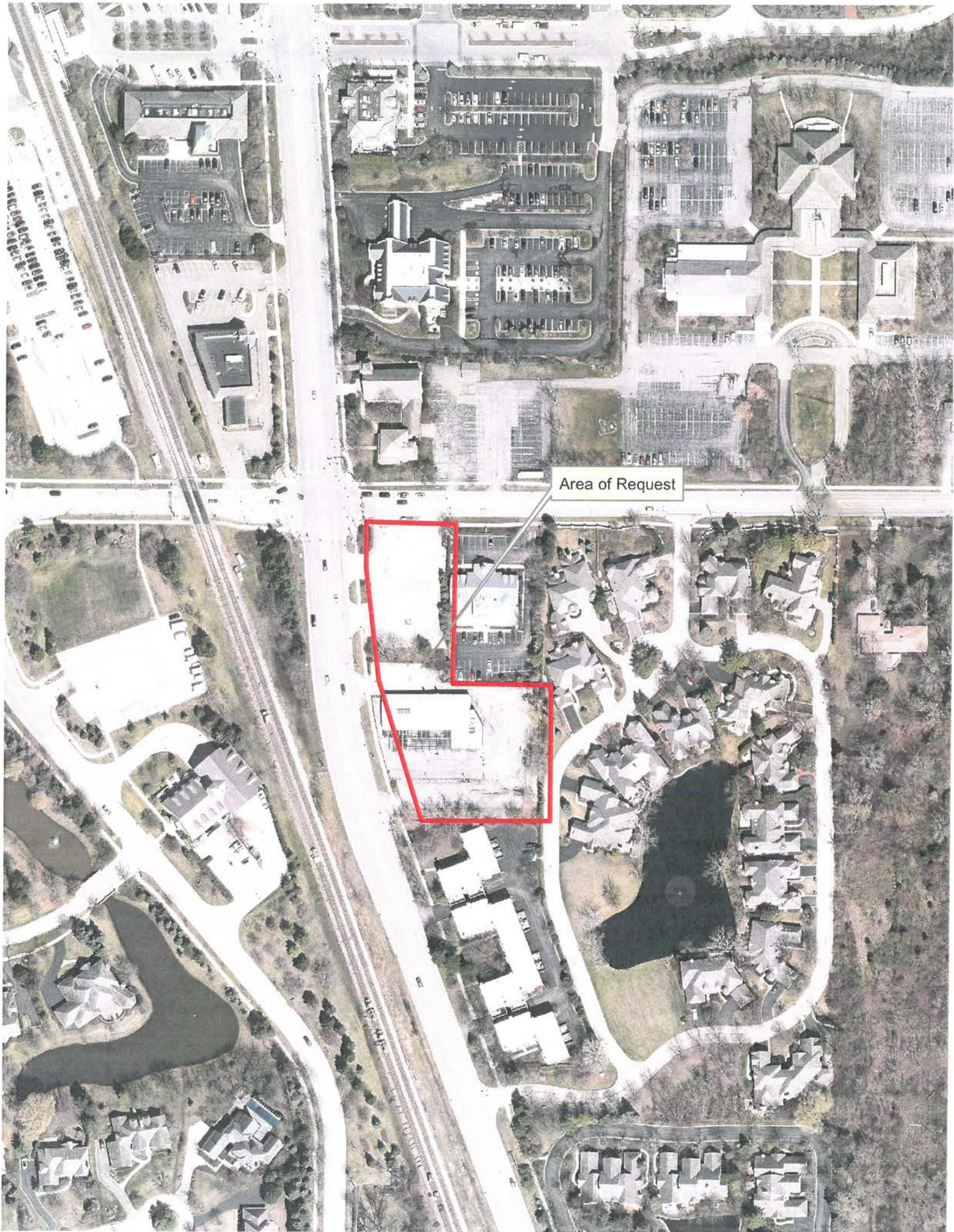
6. Prepare detailing findings in support of granting a Special Use Permit incorporating the requested variances, properly detailed, for Commission review and final action once the above items are fully addressed by the petitioner.





Area of Request





Area of Request



**Application for Plan Commission Review
Special Use Permit - Central Business District – New Use**

PROPERTY**ADDRESS** 1015-1045 S. Waukegan Rd.**ZONING DISTRICT** B1**EXISTING USE** Vacant Land**PROPOSED USE** 1015 - Retail Store with Drive-Through (2,200 SF – Coffee Shop)
1045 - Medical Office Building (25,485 SF three-story building)**EXPANSION OF EXISTING USE** YES NO-XX**VARIANCE REQUIRED**YES-XX (Special Use for Drive-Through)
Medical Office Building Variances:
Height Variance
Parking Variance
Waukegan Rd. Setback Variance (1'-2")**APPLICANT**

Name: Iosue Investments, LLC

Address: 1025 W. Everett Rd.
Lake Forest, IL 60045

Phone: 847-295-8922

Relationship to Property: Developer for Owner
(Owner/Tenant/Attorney)**PROPERTY OWNER** (if different from applicant)Name: 1015 owned by: 1015 LLC
1045 owned by: 1045 LLC


Address: Same as Applicant

BENEFICIAL INTERESTSCorporation _____ (see exhibit A)
Partnership XX (see exhibit B)
Trust, land or other _____ (see exhibit C)

I have read the complete application packet and understand the Special Use Permit process and criteria. I understand that this matter will be scheduled for a public hearing when a determination has been made that my application is complete.

SIGNATURES
Owner: Carmine Iosue

August 27, 2020


Applicant: Carmine Iosue

August 27, 2020

[Type here]



MEMORANDUM

DATE: August 27, 2020
TO: Cathy Czerniak – City of Lake Forest
FROM: Jack Frigo
RE: Iosue Investments, LLC – Lake Forest Development Team

Developer/Owner: Iosue Investments, LLC (Carmine Iosue and Luke Mertens)
1025 W. Everett Rd., Lake Forest, IL 60045
847-295-8922

Real Estate Advisor: Frigo & Company (Jack Frigo)
707 Skokie Boulevard, Northbrook, IL 60062
847-940-2200

Architect: Melichar Architects (Diana Melichar and Gavin Sheridan)
207 E. Westminster Ave., Lake Forest, IL 60045
847-295-2440

Civil Engineer: Pearson Brown & Associates (Ron Adams)
1850 W. Winchester Rd., Libertyville, IL 60048
847-367-6707

Land Planner: Teska Associates, Inc. (Nick Patera)
67 Grove St., Evanston, IL 60201
847-869-2015

Landscape Design: Mariani Landscape (Frank Mariani and Carrie Woleben-Meade)
300 Rockland Rd., Lake Bluff, IL 60044
847-234-2172

Traffic Engineer: KLOA, Inc. (Luay Aboona)
9575 W. Higgins Rd., Rosemont, IL 60018
847-518-9990

Lighting Consultant: CharterSills (Warren Charter)
11 East Hubbard St., Chicago, IL 60611
312-759-5909

Legal (Land Use): O'Donnell Callaghan, LLC (Jerry Callaghan and Bob O'Donnell)
28045 N. Ashley Circle, Libertyville, IL 60048
847-367-2750

Legal (Contracts & Leases): Becker Gurian (Marty Becker)
513 Central Ave., Highland Park, IL 60035
847-433-2442

Cathy Czerniak
City of Lake Forest
August 27, 2020
Page 2

Surveyor:	Manhard Consulting, Ltd. One Overlook Point, Lincolnshire, IL 60069 847-634-5550
Issue Insurance Agent:	Lamb, Little & Company (Tom Cummings) 1101 Perimeter Dr., Schaumburg, IL 60173 847-398-7060
Environmental Consultant:	V3 Consultants (Keith Oswald and Nick Szymanski) 444 N. Wells St., Chicago, IL 60654 630-724-9200
General Contractor:	TBD

EXHIBIT "B"

PARTNERSHIP OWNERSHIP

Please list all partners, general and/or limited, with an individual or beneficial interest of 5% or greater.

NAME Carmine Iosue

ADDRESS 125 W. Honeysuckle Rd.
Lake Forest, IL 60045

3175 Grand Ave
Pinellas Park, FL 33782

OWNERSHIP PERCENTAGE: 65 %

NAME Luke and Nicole Mertens

ADDRESS 5225 Spruce Pointe Dr.
Gurnee, IL60031

OWNERSHIP PERCENTAGE: 14%

NAME Joshua Iosue

ADDRESS 3175 Grand Ave
Pinellas Park, FL 33782

OWNERSHIP PERCENTAGE: 7%

NAME Megan Iosue

ADDRESS 3175 Grand Ave
Pinellas Park, FL 33782

OWNERSHIP PERCENTAGE: 7%

NAME Joseph Iosue

ADDRESS 3175 Grand Ave
Pinellas Park, FL 33782

OWNERSHIP PERCENTAGE: 7%



MELICHAR ARCHITECT

IOSUE INVESTMENTS BUILDING ARCHITECTURE

Plan Commission, September 9, 2020
As prepared by Melichar Architects

Campus Design Approach

Our approach to the two new building designs for Iosue Investments is based on a three-building campus concept that fits within the context of the Waukegan Road commercial corridor while respecting the adjacent residential neighborhoods. All three buildings, the existing 1025 West Everett building, the new Waukegan Road medical office building, and the new corner retail building share a common palette of materials and stylistic references.

The existing 1025 West Everett Road building is just adjacent to a residential duplex subdivision to the east. It is traditional in design, similar to the adjacent residential neighborhood. It features an asphalt shingled gable roof, brick façade, double hung windows with muntins and stone sills, corner quoins, and tall white-painted columns with a pedimented portico. The building displays balance and symmetry.

Retail Building

Starting with 1025 West Everett as its launching point, the new retail building on the corner of Waukegan Road and Everett Road marries a commercial food service building with 1025's more traditional architectural style. The new corner retail building makes reference to 1025 West Everett's shingled gable roof, windows with muntins, stone accents, and balanced building massing and symmetry on all four facades. Mechanical equipment is hidden in the roofscape. Pergolas balance the front entry, and tie into other white trim and pergola features on the campus site.

Similarly, this new corner retail building also makes reference to the new medical office building that is adjacent on campus. The new medical office building is located directly on Waukegan Road, separated from the residential uses by a goodly distance. Its style blends the traditional aspects of the neighborhood commercial architecture, while taking a fresh approach for its medical building use.

Medical Office Building

Tenants and patients alike are looking for cutting edge technology and medical treatment in the office building, and hence the building has a forward-looking appearance. All four elevations of the medical building are consistently treated in their architectural style, with two axes (north-south and east-west) that knit the building design with the site.

The main east-west axis of the medical office building demarcates the passenger drop-off entry canopy, building entrance and lobby; and it terminates on the Waukegan Road side with a gentle arc that reflects the arc of Waukegan Road. The main axis is crowned with a curtain wall and floating canopy. This building spine also follows along the roof line to encapsulate the roof mechanicals so they are not visible. The secondary axis, running north-south through the office building, demarcates the northern, secondary entrance.

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The four building corners are anchored by brick walls with decorative stone belts, making vague reference to large-scale building quoins on the 1025 West Everett building. Curtain wall is bookended by these building corners, and brick pilasters with stone bases intimate a modern take on 1025 West Everett's columns. Curtain wall is articulated with heavier and finer metal mullions and muntins to provide and more human scale, and create a consistent rhythm and similar proportion through-out the building.

Stone accents are shown in the brick band separating the first floor fenestration from the two-story curtain wall above. A decorative, painted metal sun shade feature on the upper stone band visually terminates the brick pilasters on four building walls. Decorative lighting fixtures are located at two heights on the masonry piers to frame the building's central tower/entry features.

Special care will be taken to respect all neighboring properties in regards to lighting. We will select non-reflective glazing systems for all building glass surfaces. Melichar Architects is working closely with Charter Sills, lighting designer, to ensure that building lighting will be shielded from neighbors. To keep lighting levels softer and more residential in feeling, we will highlight special building features rather than full building wall surfaces. All lighting will be energy efficient LED, and provided with warm white (2,700 – 3,000K) color temperature. A combination of wall sconces and subtle accent lighting will be employed. All building lighting will be controlled and dimmable, with programmed shut-off times. Interior building lighting will also include dimming systems and motion occupancy sensors. All lighting and lighting controls will meet all applicable codes and requirements.

Floor to floor heights are sized to allow for 10 foot first floor ceilings, and 9 foot ceiling heights on the upper two floor levels.

The medical office building core is configured in such a way that it is efficient, and offers-up as much flexibility as possible regarding tenant space configuration. The central architectural axis is visually maintained from east to west, and a decorative stair and elevator are balanced opposite one another around a two-story symmetrical lobby.

August 31, 2020

Resident and Neighbor
<Luke - Insert Street Address>
Lake Forest, IL 60045

RE: Iosue Development Project / 1015-1045 S. Waukegan Rd., Lake Forest, IL 60045

Dear Resident and Neighbor,

We are writing to you with exciting news

As you may know, our family purchased the former Pasquesi Home & Garden Store and former vacant BP site in April 2019. We also own the contiguous office property at 1025 W. Everett Road, which we purchased from Mr. Richard Kendler in June 2012. My wife Tina and I have lived in Lake Forest for many years and have raised our family here.

Our vision is to create a well planned, pedestrian friendly, medical office campus with a small retail building and a drive-through, in the SEQ of Waukegan Road and Everett Road. We'll be combining the 1015-1045 S. Waukegan Road properties with the 1025 W. Everett Road property, which allows us to close several existing curb cuts and improve traffic circulation in the SEQ. Attached are the following exhibits to help describe our project:

Exhibits:

- Aerial Context Exhibit showing the West Lake Forest (Settlers Square) area
- Site Plan prepared by Teska Associates
- Landscape Plan prepared by Mariani Landscape
- Building B Elevations and 1st Floor Plan prepared by Melichar Architects
- Iosue Development Team Roster

Description:

- Our existing 1025 W. Everett Road is a two-story building of approximately 12,317 RSF, which will be incorporated into the office/retail campus. Dr. Mark Mass and his Lake Forest Acute Care is a valued tenant in this building.
- Planned at 1045 S. Waukegan Road is a three-story, medical office building of approximately 25,485 RSF (Building B).
- Planned at 1015 S. Waukegan Road is a one-story, retail building with a drive-through of approximately 2,200 RSF.
- As shown on the Site Plan, we'll have approximately 100 surface parking spaces on-site. We currently have and intend to continue our existing agreement with St. Mary's School, which allows limited employee parking for the 1025 W. Everett Road building. In addition, we plan to request approval from the City of Lake Forest, similar to approvals granted to other commercial users along Waukegan Road, to allow employees of the new medical and retail buildings to utilize nearby public parking, by permit or daily/month fees, on the west side of the railroad tracks as needed.
- Timing: We hope to start construction in Q2 of 2021 and deliver occupancy in Q2 of 2022. We're discussing space in Building B with several medical practices and the retail building with two well known coffee shops.

You may be aware that IDOT, in cooperation with the City of Lake Forest, plans to expand the south side of Everett Road, which will improve the safety and traffic flow at the intersection. We're cooperating with the City and will provide a portion of our property, necessary for the Everett Road improvement. Our Site Plan takes into account the future Everett Road expansion without the need of a setback variance.

The retail building with drive-through requires a Special Use Permit and we are providing the notice required by the City of Lake Forest ordinance. Please see the below information:

Explanation of Request:

We are requesting a Special Use Permit to allow the development of a retail building with a drive-through. The building will be approximately 2,200 SF and will be located on the southeast corner of Waukegan Road and Everett Road. This will be a single tenant building and very likely a coffee shop. As part of the Special Use Permit, we are requesting variances from the number of on-site parking spaces required, the setback along Waukegan Road and from the allowable building height in the B-1 zoning district.

Names of Property Owner:

The 1015 and 1045 S. Waukegan Road property is owned by two family partnerships, 1015 LLC and 1045 LLC. The project developer is Iosue Investments, LLC.

Time and Place of Public Hearing (Lake Forest Plan Commission):

- Date: Wednesday, September 9th
- Time: 6:30 PM
- Format: Virtual (not in-person) – access via City of Lake Forest webpage w/following ID:
 - Webinar ID: 837 3719 9727
 - Pass code: 1861

Petition is on File:

The petition is on file and may be examined at the Community Development Department at the Lake Forest Municipal Services Facility, 800 Field Drive.

Our goal is to have a positive community impact on this important, but this long vacant property. We're planning high quality buildings with excellent landscaping that we believe will contribute to Lake Forest for many years to come.

We wish circumstances allowed us to invite you to an event at a Lake Forest restaurant to share our plans and hear your thoughts. Unfortunately, we are unable to do that safely at this time. We are truly interested in being a good neighbor. We would like to hear your thoughts and answer any questions you may have.

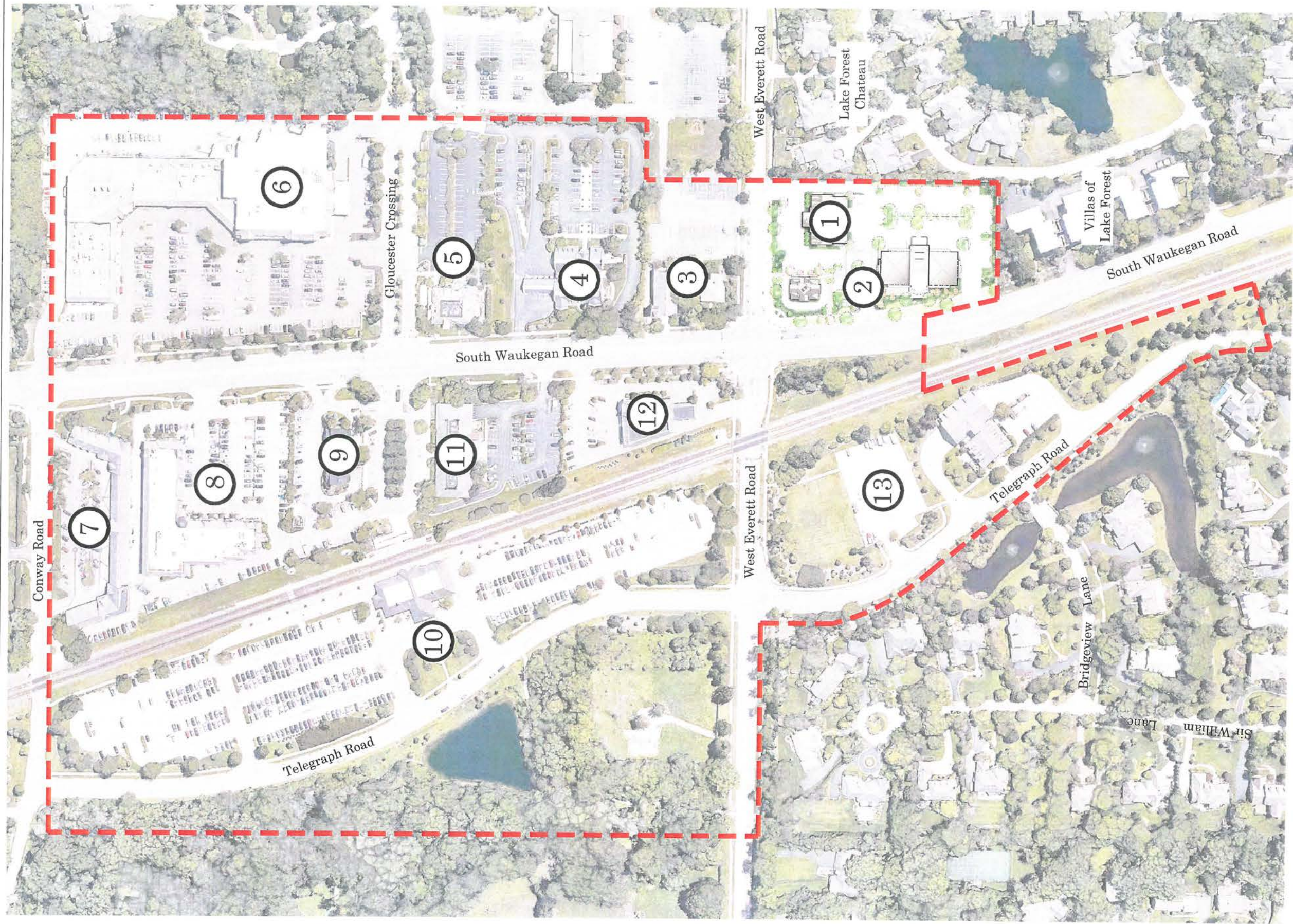
If you have any questions prior to or after the Plan Commission meeting on September 9th, please contact me (847-708-8922/carmine@iosueassociates.com) or our real estate advisor, Jack Frigo (847-940-2200/jack@frigocompany.com), or our Iosue Investments project manager, Luke Mertens (847-331-0491/lukem@iosueassociates.com).

Very truly yours,

Carmine Iosue

Encl.

cc Cathy Czerniak
Luke Mertens
Jack Frigo



- ① Lake Forest Acute Care / 1025 Everett Road
- ② Proposed Medical/Retail
- ③ St. Patrick's Church
- ④ Lake Forest Bank/OB-GYN Associates of Lake Forest
- ⑤ Northshore University Health System Medical Office

- ⑥ Sunset Food Mart and Crossing Shopping Court
- ⑦ Conway Court Plaza
- ⑧ Forest Square
- ⑨ Chase Bank
- ⑩ Lake Forest Metra Station and Station Parking Lot B

- ⑪ CIBC Bank
- ⑫ Fifth Third Bank/Forward Focus Medical
- ⑬ City of Lake Forest Fire Station and Public Parking Lot (64 Spaces)

AERIAL CONTEXT

EVERETT AND WAUKEGAN ROAD

Lake Forest, IL

August 19, 2020

Iosue Investment, LLC
1025 Everett Road
Lake Forest, IL 60045

Jack Frigo
(847) 940 2200
Jack@FrigoCompany.com

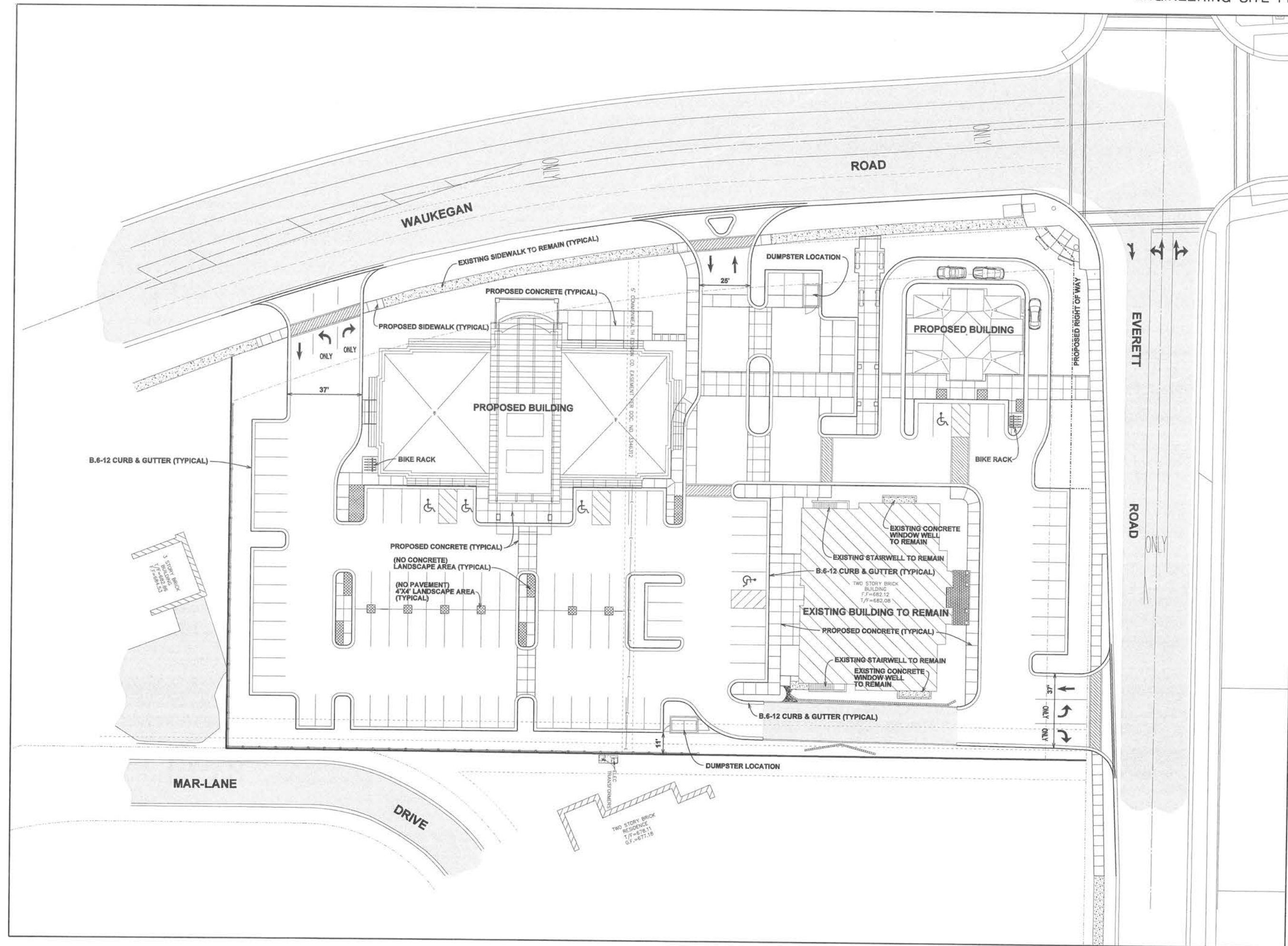


627 Cass Street, Evanston, Illinois 60201
Tel 847.863.2015 Fax 847.863.2019

B-1 Neighborhood Business Zoning District



Jack@FrigoCompany.com





DESIGNED BY: R.A.A.	 PEARSON, BROWN & ASSOCIATES, INC. CONSULTING ENGINEERS 1150 W. WINCHESTER ROAD - SUITE 205 LIBERTYVILLE, IL 60468 PHONE: (847) 387-4700 FAX: (847) 387-2567 E-MAIL ADDRESS: pb@pearsonbrown.com © COPYRIGHT 2008 PEARSON, BROWN & ASSOCIATES, INC. ALL RIGHTS RESERVED
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CHECKED BY: J.F.C.	
ORIGINAL ISSUE: 08/21/08	

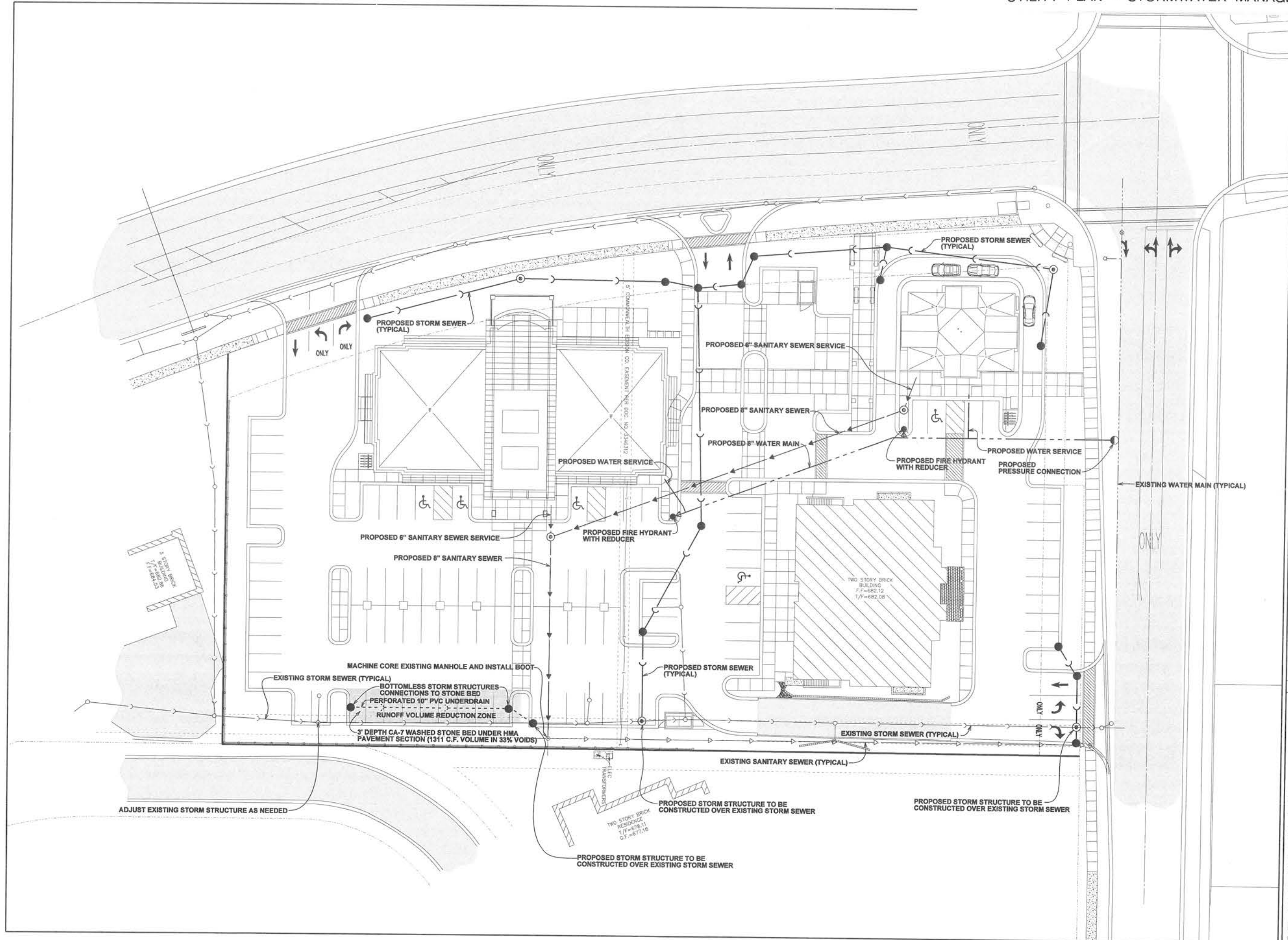
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GRADING PLAN

JOB No. 1965

SHEET NUMBER

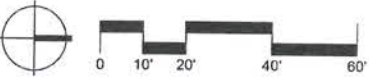
OF 5 SHEETS





Planting Legend:		
Quantity	Scientific Name	Common Name
58	3" Shade Trees	
	Tilia americana 'Redmond'	Redmond Linden
	Acer x freemanii Autumn Blaze	Autumn Blaze Maple
	Ginkgo biloba 'Autumn Gold'	Ginkgo
	Gleditsia tricanthos	Honey Locust
21	6' Ornamental Trees:	
	Syringa reticulata	Japanese Tree Lilac
	Crataegus phaenopyrum	Washington Hawthorn
	Malus 'Prairifire'	PrairieFire Crabapple
105	24" Large Shrubs	
	Aronia arbutifolia 'Brilliant Red'	Brilliant Red Chokeberry
	Hydrangea paniculata 'Quick Fire'	Quick Fire Panicle Hydrangea
	Physocarpus opulifolius 'Coppertina'	Coppertina Ninebark
	Viburnum dentatum	Arrowwood Viburnum
181	24" Medium Shrubs	
	Syringa meyeri 'Palibin'	Dwarf Korean Lilac
	Grefsheim Spirea	Spirea cinerea 'Grefsheim'
	Hydrangea paniculata 'Little Lime'	Little Lime Hydrangea
	Forsythia intermedia 'Show Off'	Show Off Border Forsythia
	Aronia Iroquois Beauty Black	Iroquois Beauty Black Chokeberry
192	18" Small Shrubs	
	Diervilla lonicera	Dwarf Bush Honeysuckle
	Deutzia 'Yuki Snowflake'	Yuki Snowflake Deutzia
	Contonester apiculatus	Cranberry Contonester
	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac
	Hypericum kalmianum	St. John's Wort
19	8' Evergreen Trees	
	Pinus strobus 'fastigiata'	Columnar White Pine
	Juniperus chinensis Iowa	Iowa Chinese Juniper
1960	1 Gallon Perennials 24" o.c.	
	Sporobolus heterolepis	Prairie Dropseed
	Calamagrostis 'Karl Forester'	Karl Forester Feather Reed Grass
	Panicum virgatum 'Shenandoah'	Shenandoah Switch Grass
	Pennisetum alopecuroides 'Hamel'	Hamel Dwarf Fountain Grass
	Achillea millefolium 'Moonshine'	Moonshine Yarrow
	Echinacea purpurea	Purple Coneflower
	Allium tanguticum 'Summer Beauty'	Summer Beauty Allium
	Rudbeckia hirta	Black Eyed Susan
	Amsonia hubrichtii	Akansas Blue Star
	Amsonia 'Blue Ice'	Blue Ice Blue Star
	Alchemilla mollis	Lady's Mantle
	Calamintha nepeta 'Montrose White'	Montrose White Dwarf Calamint
	Iris sibirica 'Caesar's Brother'	Caesar's Brother Siberian Iris
	Heuchera 'Palace Purple'	Palace Purple Coral Bells
	Eupatorium euphorbia 'Ruby'	Ruby Joe Pyeweed
	Salvia nemorosa 'Caradonna'	Caradonna Salvia
	Monarda didyma 'Marshall's Delight'	Marshall's Delight Bee Balm
	Vinca minor 'Darts Blue'	Darts Blue Vinca

1 Concept Landscape Plan
SCALE: 1" = 20'-0"



Everett and Waukegan Road

1045 Waukegan Road, Lake Forest

Project No: 20028
08/19/2020

CONCEPTUAL LIGHTING PLAN

LIGHTING DESCRIPTION:

GENERAL NOTES:

All lighting provided will be LED and warm white 3000K color temperature.

Light poles have control options as outlined below. All light fixtures will be controlled via time-clock for scheduled on/off programming. Building mounted fixtures will be controlled by building control dimming system with time-clock. Site and landscape lighting fixtures will be controlled by time-clock centrally located on site, location to be determined.

Building and canopy mounted lighting on Building C is existing.

Light fixture locations and quantities are shown for concept only. Additional quantities may be required to meet light levels for coverage, safety, and security

■ **LIGHT POLES:** ■ Roadway (12' to 14') and ■ Pedestrian (10' to 12')

Features: House-side shields and optical control to reduce glare and light spill onto neighboring property. All fixtures aimed down with no decorative glowing element.

Control Options:

A: Astronomical timeclock and photocell
B: Fixture integrated dimming and sensors reduce output when no motion is detected

■ **BOLLARDS:** 3' height

Features: Concealed light source. No decorative glowing element.

■ **TREE UPLIGHTING:**

Mounting Options:

A: Inground
B: Above ground adjustable accent

Features: Hexcell louvers and snoots to reduce glare

■ **SIGN LIGHTING:**

Options:

A: Integrated lighting by signage contractor
B: Ground mounted front lighting from ingrounds or accent lights.

Features: Front lighting provided with hexcell louvers and snoots to reduce glare

■ **UNDER BENCH LIGHTING:**

Features: Concealed continuous linear accent mounted under seat

■ **TRELLIS STRUCTURE:**

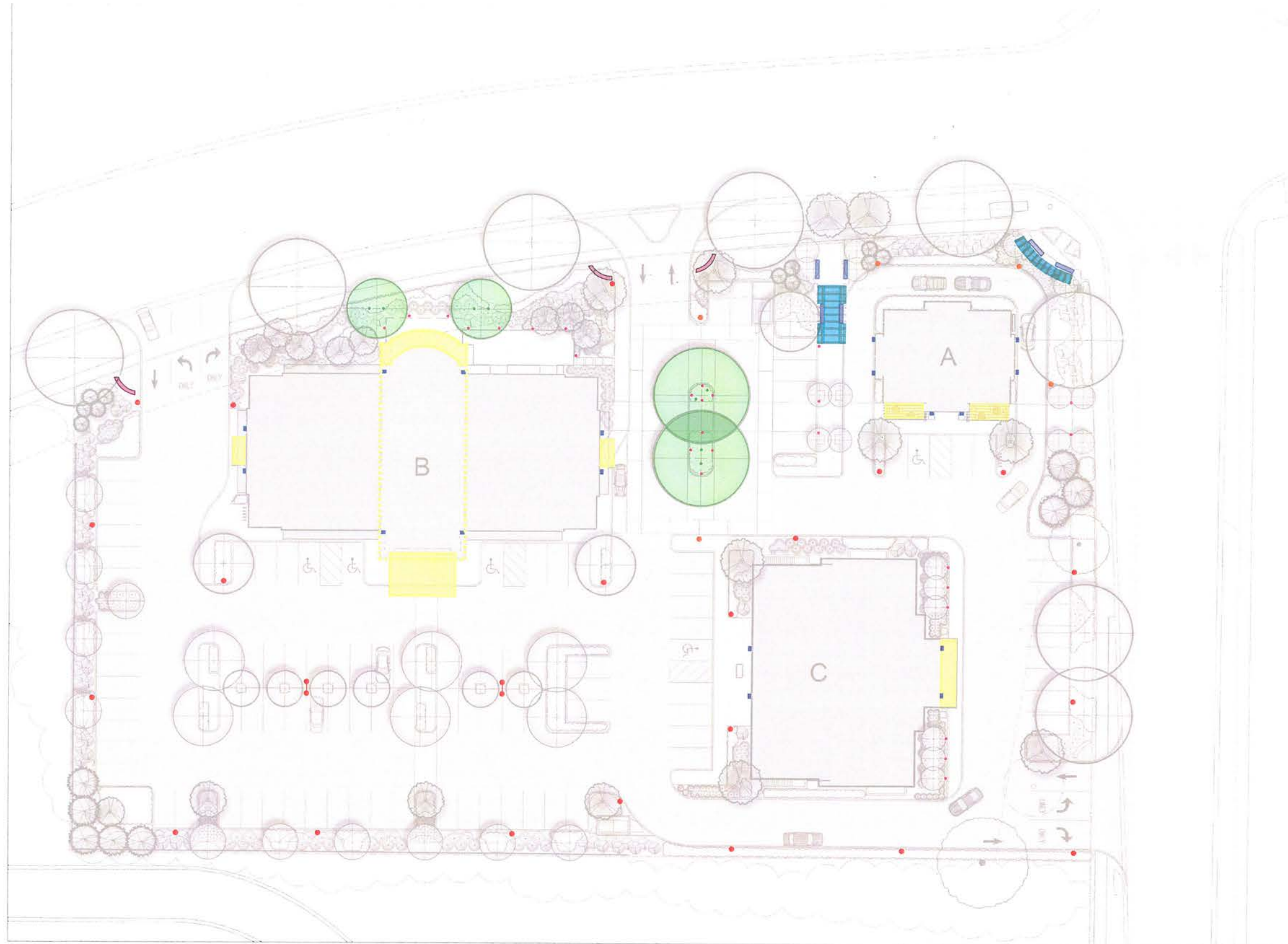
Features: TBD pending development of trellis design

■ **CANOPY LIGHTING:**

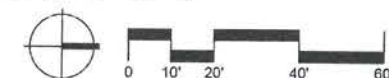
Features: Integrated into canopy at building entries and dining. Linear accent to uplight rooftop canopy feature at Building B

■ **BUILDING MOUNTED LIGHTING:**

Features: Decorative and functional wall sconces provide light at entries and roadway/sidewalk circulation



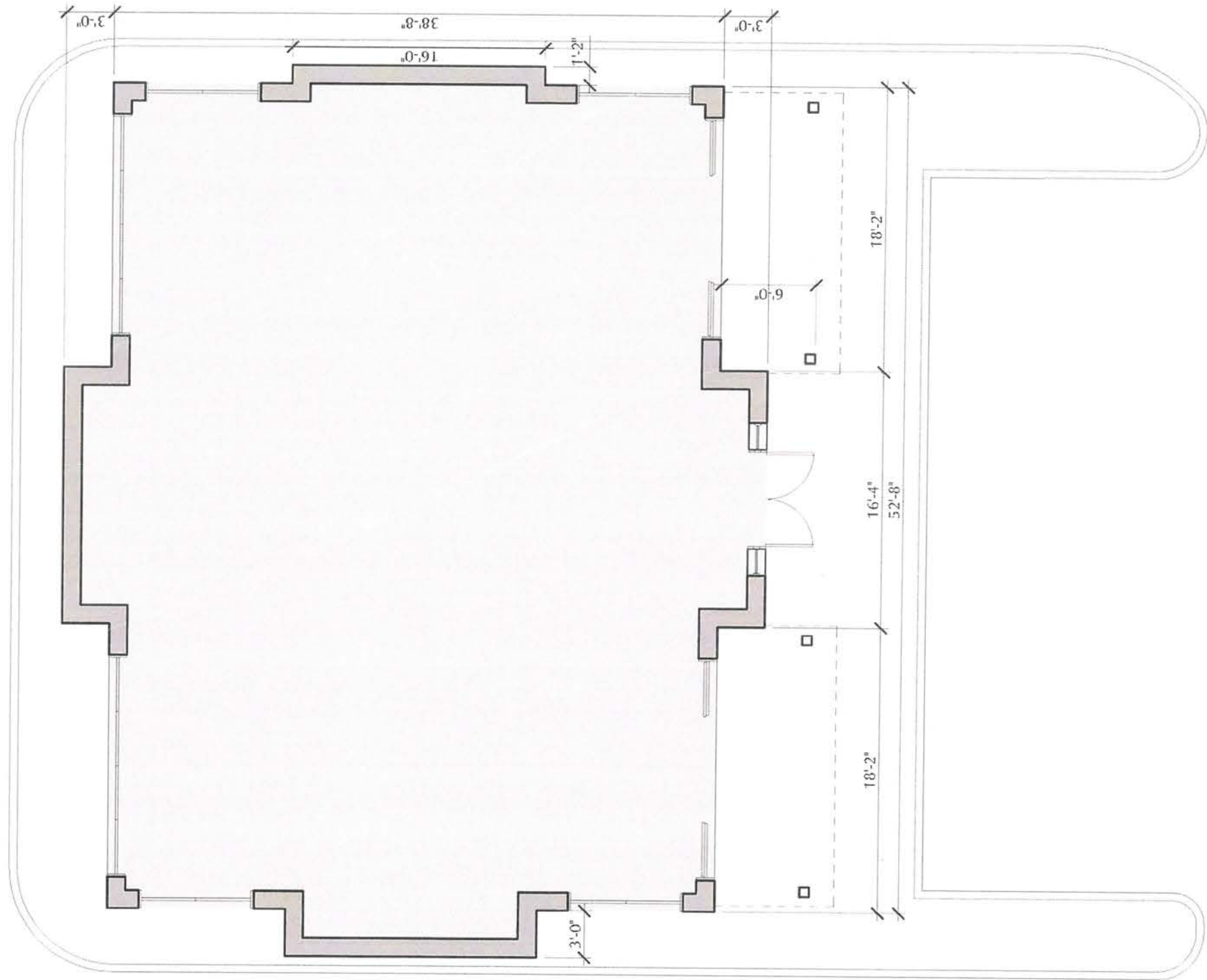
1 Concept Site Lighting Plan
SCALE: 1" = 20'-0"



Everett and Waukegan Road

1045 Waukegan Road, Lake Forest

Project No: 20028
09/03/2020



MELICHAR ARCHITECTS

THE PRACTICE OF FINE ARCHITECTURE

207 EAST WESTMINSTER LAKE FOREST, ILLINOIS 60045
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PROPERTY DEVELOPMENT FOR

IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

DWG. NO.:

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION



BUILDING A - SCHEMATIC EAST PERSPECTIVE
Scale: 1/8" = 1'-0"



MELICHAR ARCHITECTS
THE PRACTICE OF FINE ARCHITECTURE

207 EAST WESTMINSTER LAKE FOREST, ILLINOIS 60045
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PROPERTY DEVELOPMENT FOR
IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION



BUILDING A - SCHEMATIC NORTHEAST PERSPECTIVE
Scale: 1/8" = 1'-0"



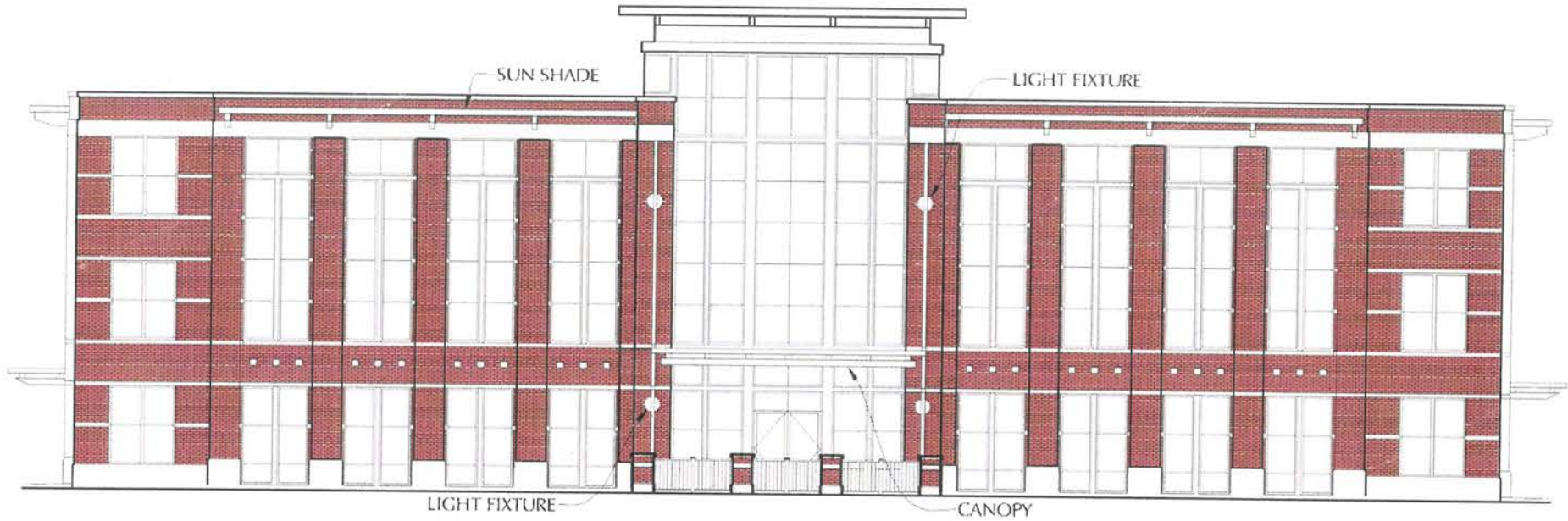
MELICHAR ARCHITECTS
THE PRACTICE OF FINE ARCHITECTURE

207 EAST WESTMINSTER LAKE FOREST, ILLINOIS 60045
P 847.295.2440 F 847.295.2451 © 2020 MELICHAR ARCHITECTS

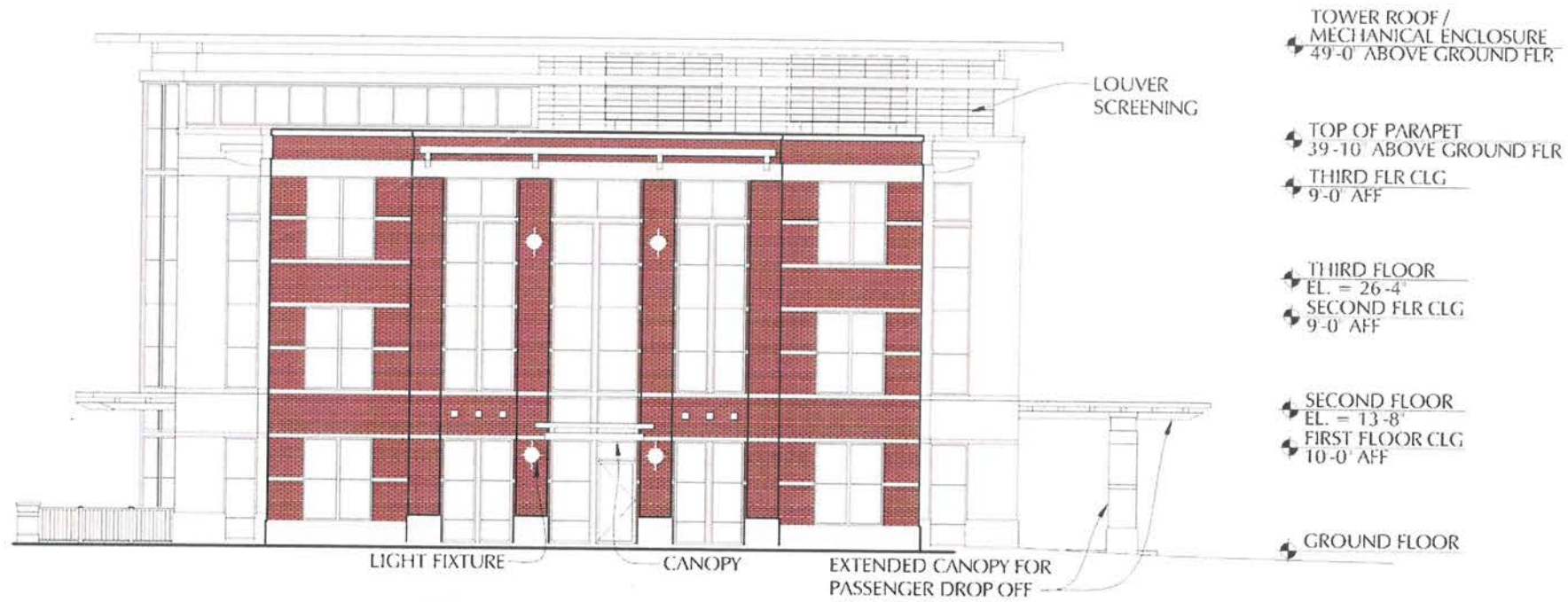
PROPERTY DEVELOPMENT FOR
IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION



BUILDING B - SCHEMATIC WEST (WAUKEGAN ROAD) ELEVATION
SCALE: 1/16" = 1'-0"



BUILDING B - SCHEMATIC SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



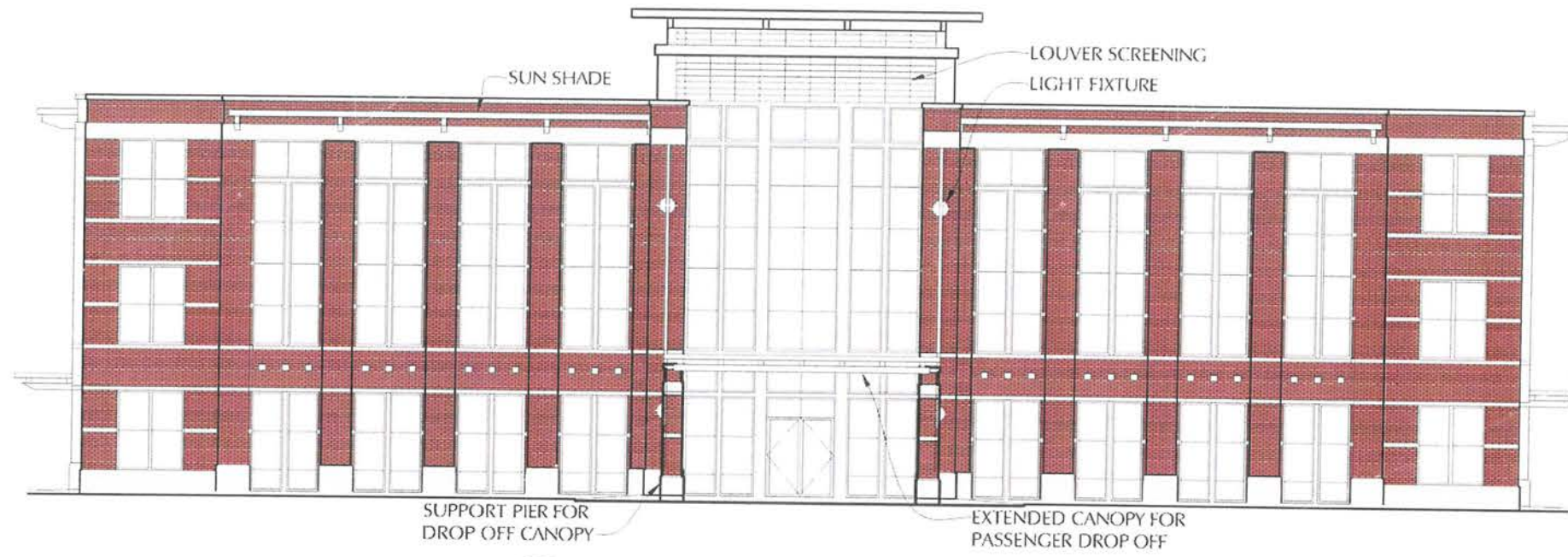
MELICHAR ARCHITECTS
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207 EAST WESTMINSTER LAKE FOREST, ILLINOIS 60045
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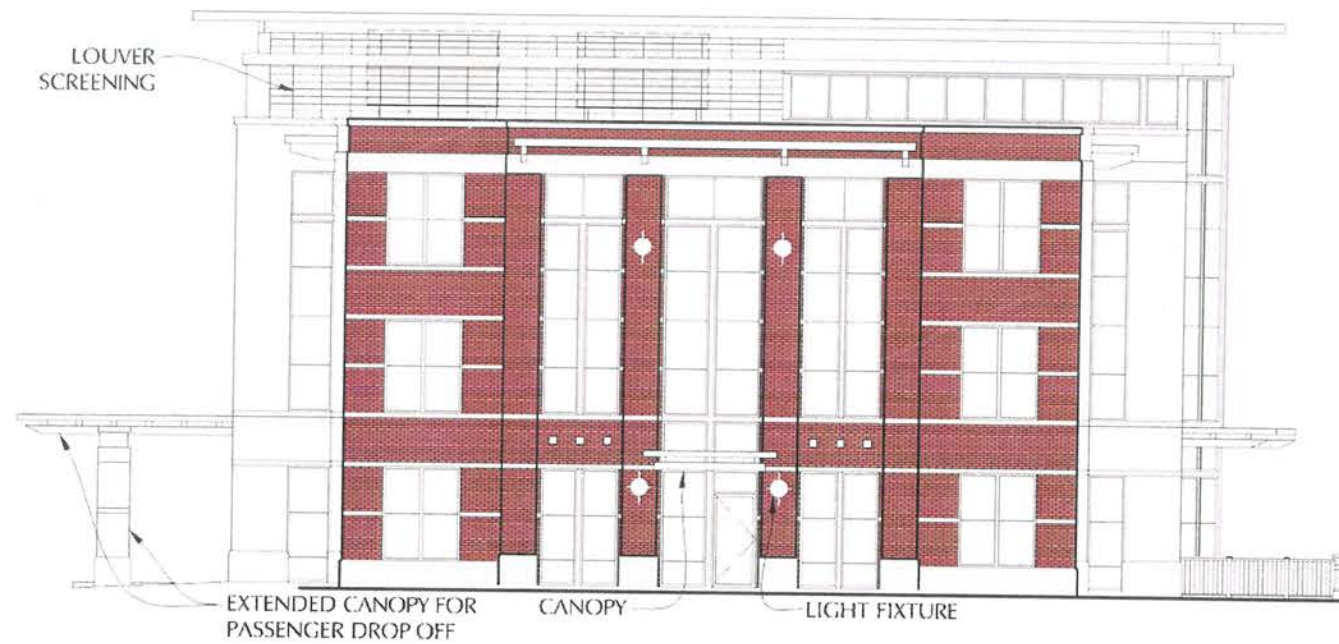
PROPERTY DEVELOPMENT FOR
IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION



BUILDING B - SCHEMATIC EAST ELEVATION
SCALE: 1/16" = 1'-0"



BUILDING B - SCHEMATIC NORTH ELEVATION
SCALE: 1/16" = 1'-0"



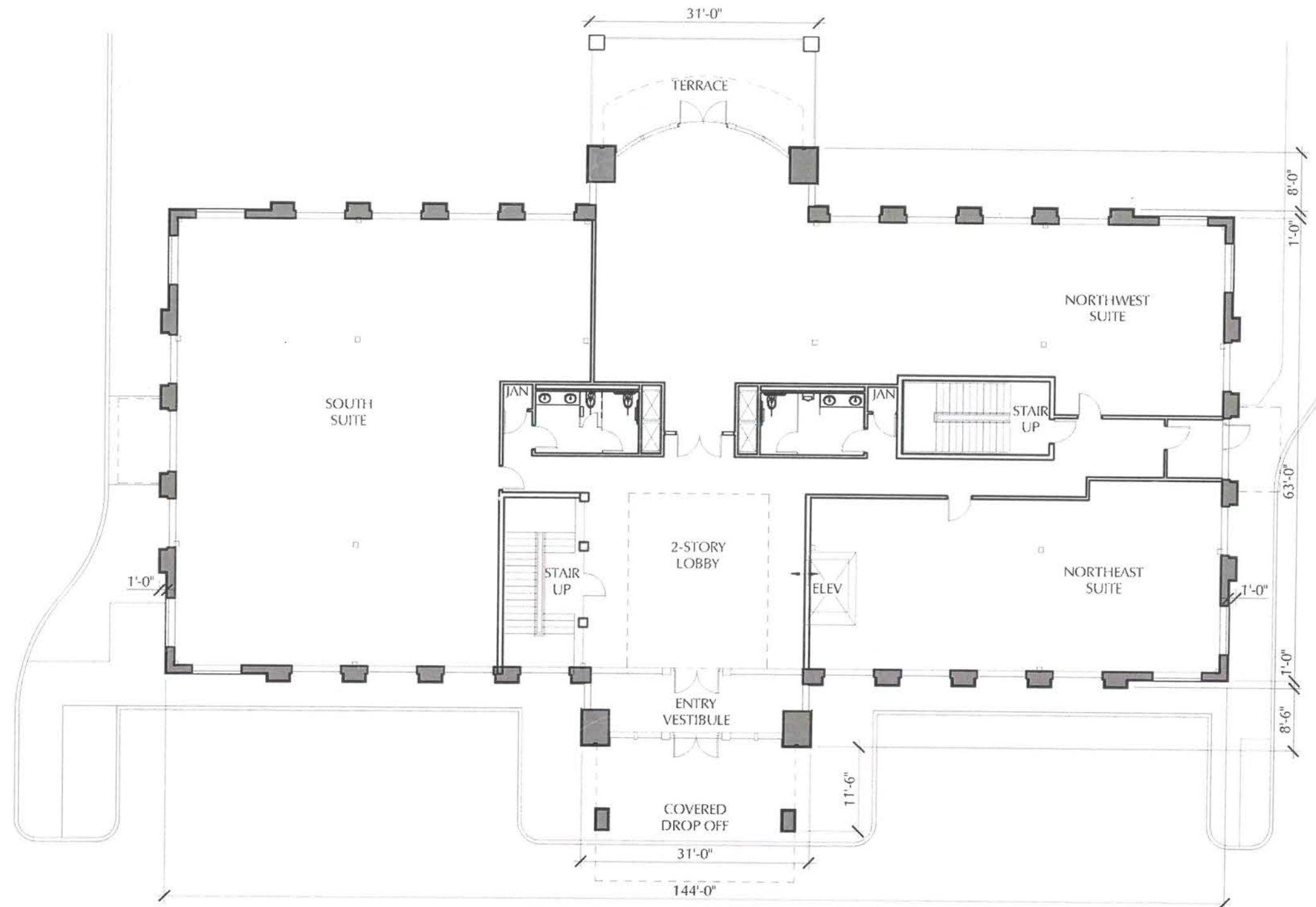
MELICHAR ARCHITECTS
THE PRACTICE OF FINE ARCHITECTURE

707 EAST WESTMINSTER LAKE FOREST, ILLINOIS 60045
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PROPERTY DEVELOPMENT FOR
IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION



BUILDING B - SCHEMATIC GROUND FLOOR PLAN
SCALE: 1/16" = 1'-0"



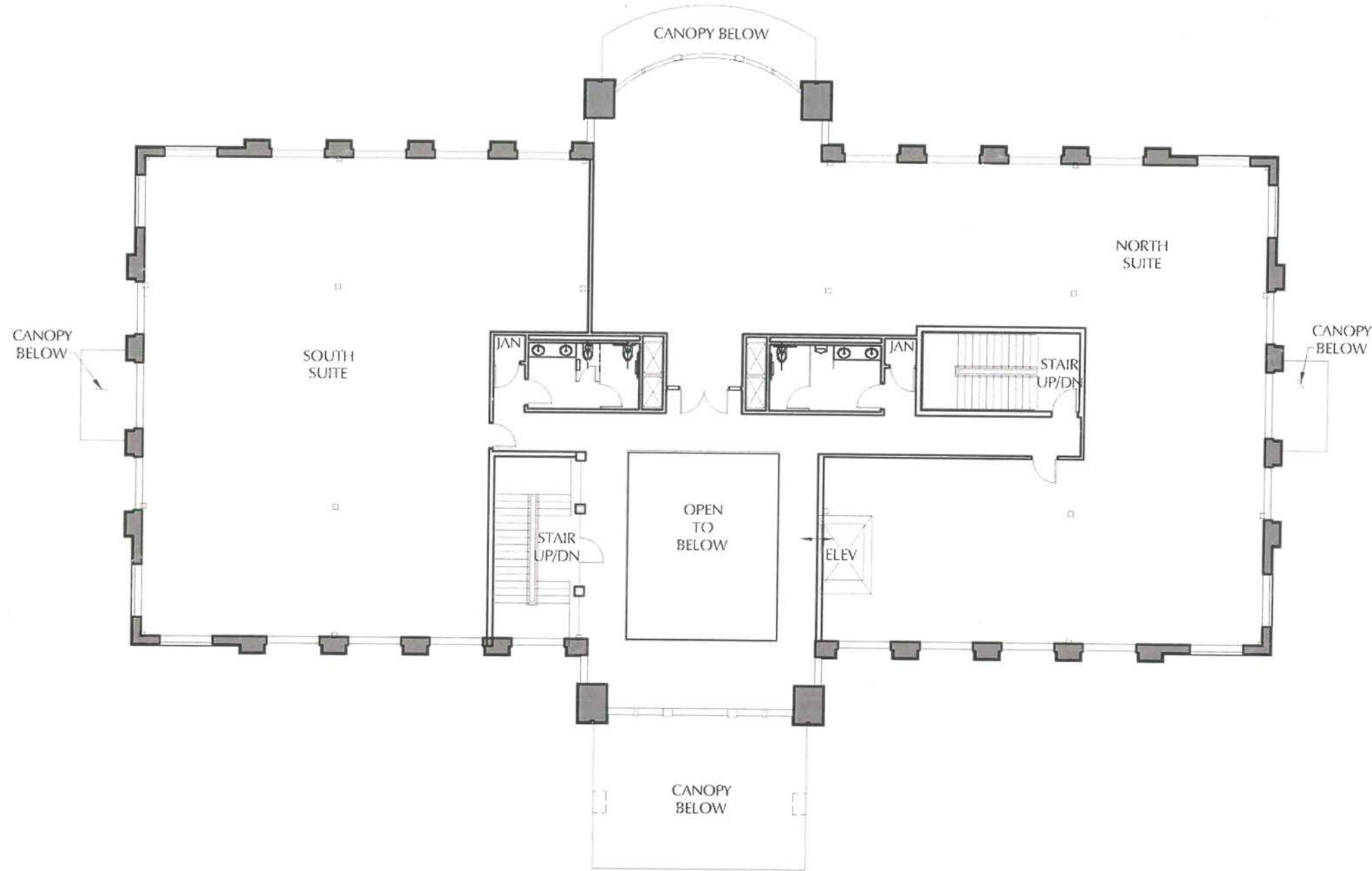
MELICHAR ARCHITECTS
THE PRACTICE OF FINE ARCHITECTURE

207 EAST WESTMINSTER LAKE FOREST, ILLINOIS 60045
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PROPERTY DEVELOPMENT FOR
IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION



BUILDING B - SCHEMATIC SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"



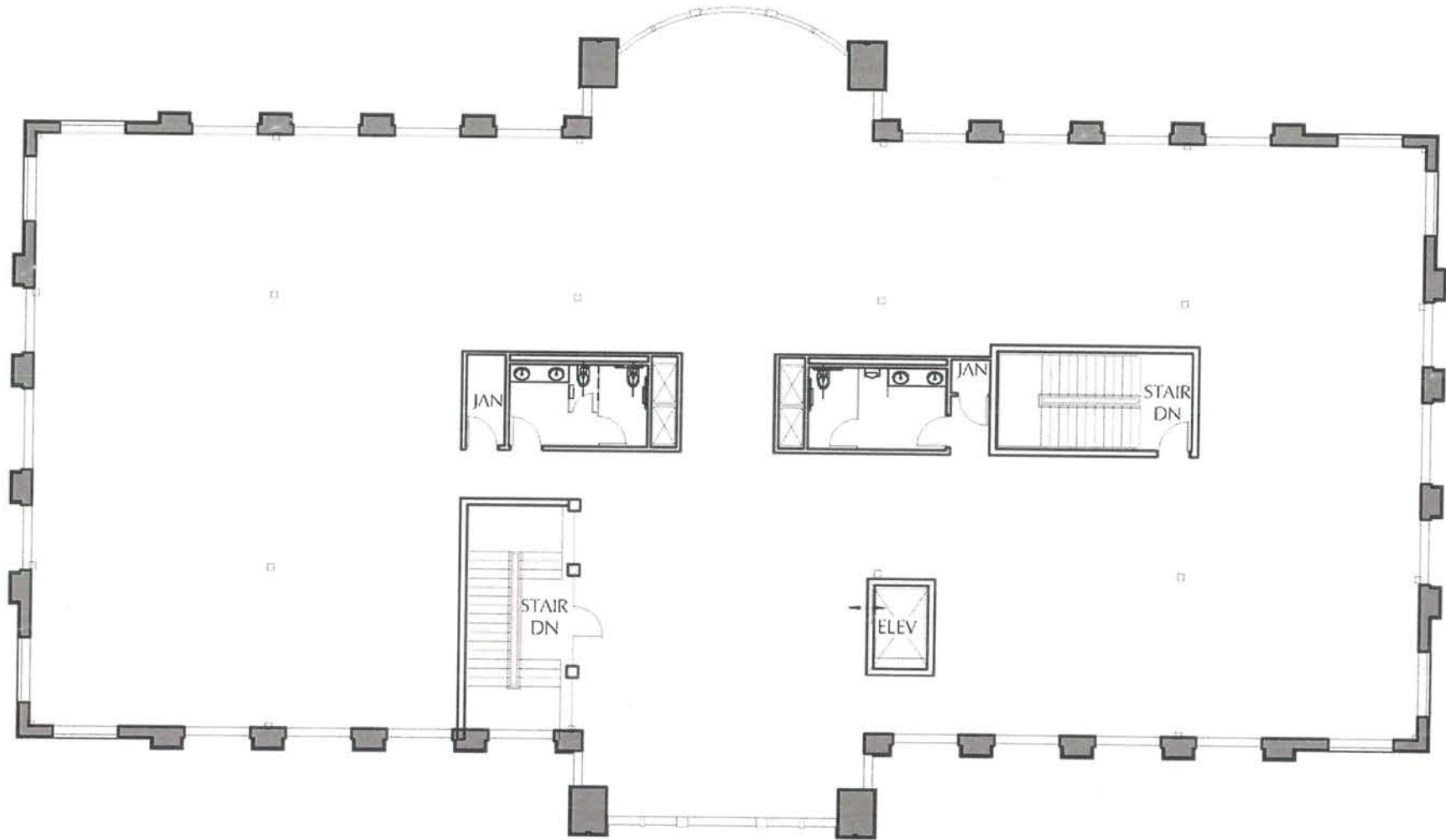
MELICHAR ARCHITECTS
THE PRACTICE OF FINE ARCHITECTURE

207 EAST WESTMINSTER LAKE FOREST, ILLINOIS 60045
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PROPERTY DEVELOPMENT FOR
IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION



BUILDING B - SCHEMATIC THIRD FLOOR PLAN
SCALE: 1/16" = 1'-0"



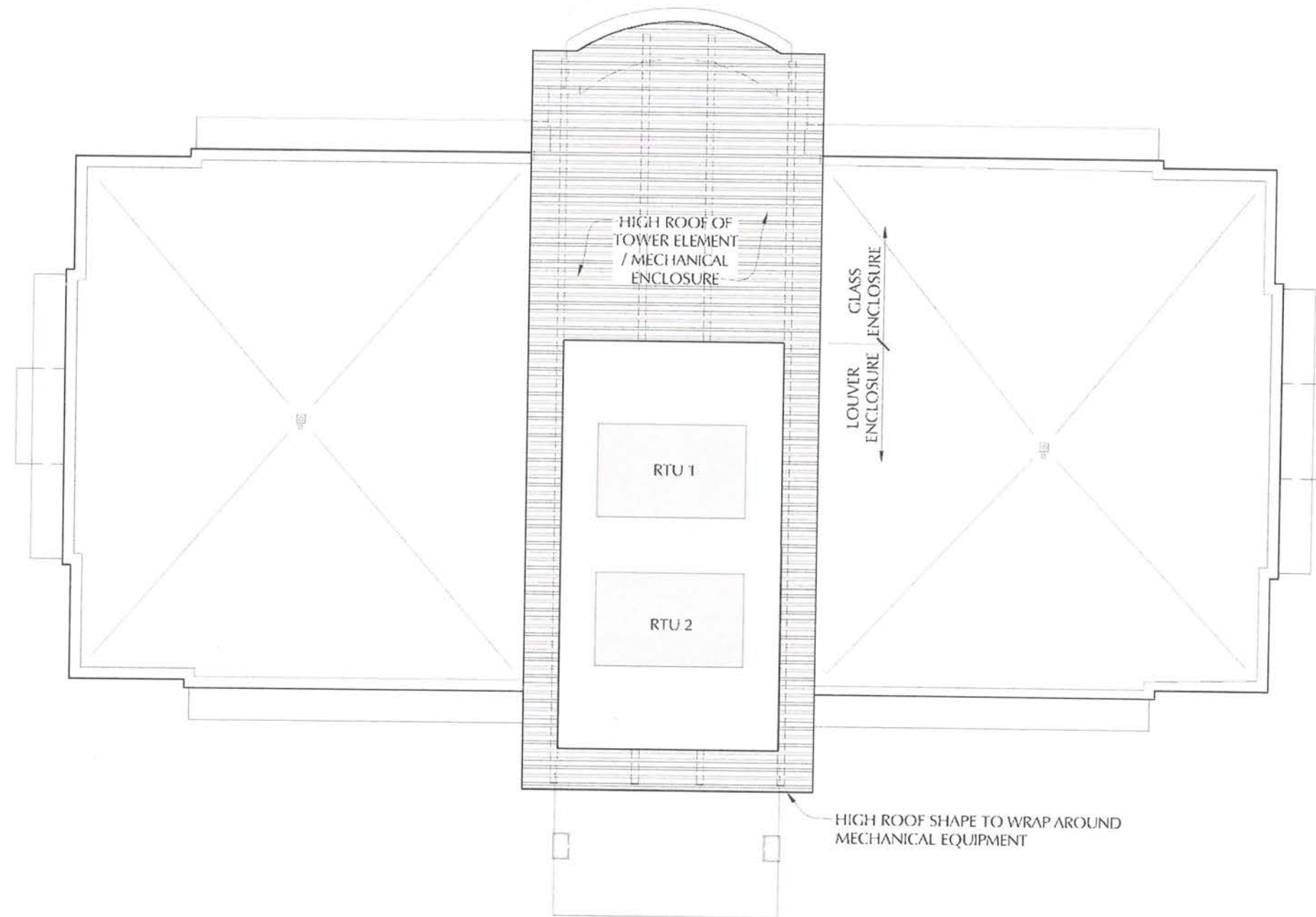
MELICHAR ARCHITECTS
THE PRACTICE OF FINE ARCHITECTURE

207 EAST WESTMINSTER LAKE FOREST, ILLINOIS 60045
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PROPERTY DEVELOPMENT FOR
IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION



BUILDING B - SCHEMATIC ROOF PLAN
SCALE: 1/16" = 1'-0"



MELICHAR ARCHITECTS
THE PRACTICE OF FINE ARCHITECTURE

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PROPERTY DEVELOPMENT FOR
IOSUE INVESTMENT, LLC
AT EVERETT AND WAUKEGAN ROAD
LAKE FOREST, IL

JOB NO.: 1918

ISSUE DATE: SEP. 9, 2020
PLAN COMMISSION

Correspondence

Issue Development – Southeast Corner Everett and Waukegan Roads

LAKE FOREST BANK
& TRUST COMPANY

September 1, 2020

Ms. Rosemary Kehr (Chairwoman)
and City of Lake Forest Plan Commission
220 E. Deerpath Road
Lake Forest, IL 60045

Honorable Mayor George Pandaleon
and City of Lake Forest City Council
220 E. Deerpath Road
Lake Forest, IL 60045

Regarding: Issue Development – Southeast Corner of Waukegan Road & Everett Road

Dear Ms. Kehr and Mayor Pandaleon,

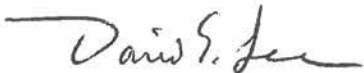
Lake Forest Bank & Trust Company has long been a supporter of Lake Forest businesses and institutions. We are also a strong supporter of community economic development.

Our West Lake Forest branch is just north of the proposed medical office and retail development proposed by Mr. Iosue.

As you know, the site at 1015-1045 S. Waukegan Road has been vacant for many years. This is due in part to its challenging configuration and market considerations. We've seen the plans for the project proposed by Mr. Iosue and are supportive of the development. It would be good to see the property productive and contribute to the City of Lake Forest.

We believe the development will be accretive to the West Lake Forest area as well as the entire community.

Sincerely,



David Lee
CEO/Market Head
Lake Forest Bank & Trust Co., N.A.

A WINTRUST COMMUNITY BANK

727 North Bank Lane, Lake Forest, Illinois 60045 | 847-234-2882 | www.lakeforestbank.com



Czerniak, Cathy

From: Wacker, Fred <FWacker@marianilandscape.com>
Sent: Tuesday, September 1, 2020 3:09 PM
To: Czerniak, Cathy
Subject: from Fred Wacker- thank you Cathy!

CAUTION: This email originated from outside the organization. Verify the legitimacy of the email with the sender before clicking links or opening attachments from unexpected sources.

Dear members of the Lake Forest Plan Commission,

I am writing this letter to you in support of the proposed development on the southeast corner of Everett Road and Waukegan Road in west Lake Forest.

As you will no doubt conclude from your consideration of this project, our business is one of the companies on the Iosue family team, and we are proud to be so. This project will bring sensitive renewal, architectural and landscape beauty, and good business opportunity to the district: for all those reasons, including the high caliber vision of the project owners, we hope that you will give it your most careful attention and favorable support.

Since 1958, Mariani Landscape has been honored to work with many residential and commercial clients throughout Lake Forest and surrounding communities, and our team is fully confident in this instance that we are a part of a most worthy commercial redevelopment.

Thank you so much for all you do to benefit our community.

Sincerely,

Fred Wacker



Fred Wacker | President | FWacker@marianilandscape.com

847.810.6810 Direct

When you send me an email you can expect me to respond within 1 business day. If you need a response faster than that, please put the word URGENT in the subject line.

Czerniak, Cathy

From: Mariani, Frank <fmariani@marianilandscape.com>
Sent: Wednesday, September 2, 2020 9:12 AM
To: Czerniak, Cathy; Mariani, Frank
Subject: losue Development

CAUTION: This email originated from outside the organization. Verify the legitimacy of the email with the sender before clicking links or opening attachments from unexpected sources.

Dear members of the Lake Forest Plan Commission,

Like my partner, Fred Wacker, I am writing this letter to you in support of Carmine losue's medical office and retail project that is proposed for the southeast corner of Everett Road and Waukegan Road in Lake Forest.

As a neighbor residing at 499 W Old Mill Rd., I feel this medical and retail use is much better suited to the area than the previous Waterway project. Significantly less traffic and no noise. A win-win!

The site plan will work well with IDOT and the City's planned improvements to the south side of Everett Rd. and will improve circulation at the intersection. The quality design and scale are a fitting gateway to Lake Forest for northbound visitors.

My business is proud to be one of the companies selected by the losue family to participate in this project. The losue development will bring architectural and landscape beauty to the district, creating a wonderful campus. Importantly, it will also finally make a long vacant parcel productive, which benefits the entire community.

I encourage you to support this petition and continue to promote new investment in our community.

As Fred mentioned, since starting Mariani Landscape in 1958, we have been honored to work with many residential and commercial clients throughout Lake Forest and surrounding communities, and our team is fully confident in this instance that we are a part of a most worthy commercial redevelopment.

A special thanks to the Plan Commissioners and terrific Lake Forest staff. You do so much that benefits our community.

Best.

Frank



Frank Mariani
847-810-6816
fmariani@marianilandscape.com



Jack Frigo <jack@frigocompany.com>

Iosue Development Project - SEC Waukegan Rd. & Everett Rd., LF

Msgr. Robert Dempsey <rdempsey@stpatrick-lakeforest.org>
To: Jack Frigo <jack@frigocompany.com>

Fri, Sep 4, 2020 at 12:31 PM

Dear Jack,

Thank you for your email. I have also received the documents that were sent to the local residents.

At this point I don't have any questions. The projects seem much better suited to the neighborhood than the Waterway carwash. Since there was once a filling station on the corner, I don't think a drive-through coffee shop would be any more distructive. The traffic plans seem reasonable as well.

If I have any questions, I will be in touch. Thank you for reaching out.

Yours truly,

Msgr. Robert Dempsey

[Quoted text hidden]

Additional Correspondence Received
Issue Development – Southeast Corner Everett and Waukegan Roads

Czerniak, Cathy

From: JUDITH KOZAK <judithmkozak@comcast.net>
Sent: Monday, September 7, 2020 12:40 PM
To: Czerniak, Cathy
Subject: Development Project at 1015/1045 S. Waukegan Rd., Lake Forest

CAUTION: This email originated from outside the organization. Verify the legitimacy of the email with the sender before clicking links or opening attachments from unexpected sources.

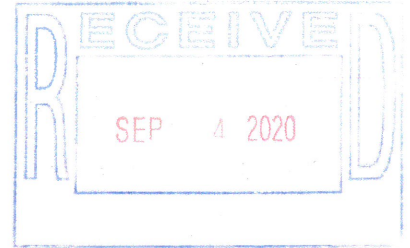
Catherine,

The above development looks wonderful for the corner of Waukegan and Everett. It appears well planned and coordinates beautifully with the rest of the businesses in the vicinity. The buildings and landscaping are attractive and the IDOT improvement of the intersection is most welcome. I live at 1026 Franz and am so thrilled about the project.

People driving north on Waukegan Rd. into Lake Forest many times do not slow their speed from 45 mpg to 35 mpg, so hopefully the police will monitor that stretch more frequently once the development is finished.

Sincerely,
Judy Kozak

John S. Lillard
1340 N. Waukegan Road
Lake Forest, IL 60045



Ms. Rosemary Kehr and Mayor Pandeleon
City of Lake Forest City Council
220 East Deerpath Road
Lake Forest, IL 60045

September 2, 2020

Dear Ms. Kehr and Mayor Pandeleon:

I am writing in support of the Iosue Investments project to develop the southeast corner of the intersection of Everett Road and Waukegan Road. This corner has been an eye sore for many years, and a development there will be a much needed improvement for the City.

Although I do not personally know Carmine Iosue, I have known Jack Frigo for many years. Jack will be the primary contact on the project.

Mr. Frigo is a long time director of Lake Forest Bank and Trust. He knows how to get a job done, and I think Cathy Czerniak will find him easy to work with. On our board at the bank, when there is a job to be done, we can always count on Jack Frigo to step forward and do it successfully.

If I can be helpful in any way, please call me at 847-295-8176, or email me at lillard_john@comcast.net.

Yours Truly,

JSL:bs

Cc: Cathy Czerniak

Alexander D. Stuart
150 Field Drive, Suite 100
Lake Forest, IL 60045

September 4, 2020

Ms. Rosemary Kehr
Chair, City of Lake Forest Plan Commission
220 E. Deerpath Road
Lake Forest, IL 60045

Honorable Mayor George Pandaleon
and City of Lake Forest City Council
220 E. Deerpath Road
Lake Forest, IL 60045

Re: Iosue Proposed Development at 1015-1045 South Waukegan Property

Dear Ms. Kehr and Mayor Pandaleon,

As the former owner of the subject property, I was very pleased to review Carmen Iosue's plans for a medical office building and light retail development. They make great sense to me, and I would encourage the Plan Commission and the City to approve them after all the usual process and protocols are complete.

I applaud Mr. Iosue's plans to make this long-vacant property productive again and to allow it to contribute to the City's tax base and the vibrancy of the West Lake Forest business district.

Sincerely,

Alexander D. Stuart

September 3, 2020

Chairwoman Rosemary Kehr
220 East Deerpath Road
Lake Forest Plan Commission
Lake Forest, IL 60045

Dear Ms. Kehr,

As a resident of Lake Forest (908 Ringwood Road), I want to express my support for the development project proposed by Mr. Iosue and his family at the southeast corner of Everett Road and Waukegan Road.

I respect that the City will evaluate the particulars of the project, however, I want to encourage approval of the office and retail use, which will serve the community and contribute to the City's tax base.

It's nice to see several local firms involved in the project.

Please contact me if you have any questions about my comments.

Sincerely,



Joseph R. Pasquesi

1100 Pembridge Dr., Apt 124
Lake Forest, Il. 60045

Chairwoman Rosemary Kehr
...City of Lake Forest
220 E. Deerpath Road
Lake Forest, Il. 60045

Honorable Mayor George Pandaleon
...and City of Lake Forest City Council
220 E. Deerpath Road
Lake Forest, Il. 60045

Re: Iosue Development – Southeast corner of Waukegan Road and Everett Road

Dear Ms. Kehr and Mayor Pandaleon:

As the former President of Lake Forest College and a resident of Lake Forest and Lake Bluff for fifty years, when I heard about the potential Iosue Development I could not have been more pleased. I write now to urge your favorable endorsement of the handsome plans that have been shared with me.

For too long, that corner which represents one of the few gateways to our community, has been an ugly eyesore, not to mention an inappropriate welcome to our lovely city. It has also unfairly represented its economic vitality. That vitality comes in part from our thriving medical business, which the Iosue plan will further enhance.

I look forward to seeing the development which the Iosue plan represents as a welcoming gateway for residents and visitors, greeting many who come to the College campus.

Sincerely,

Eugene Hotchkiss

Edward and Marie Pasquesi
30 N. Ahwahnee Road, Lake Forest, IL 60045
847-494-4288

September 4, 2020

Chairwoman Rosemary Kehr
City of Lake Forest Plan Commission
220 E. Deerpath Road
Lake Forest, IL 60045

Mayor George Pandaleon
City of Lake Forest City Council
220 E. Deerpath Road
Lake Forest, IL 60045

RE: Development at the Southeast Corner of Waukegan Road & Everett Road

Dear Chairwoman Kehr and Mayor Pandaleon,

It is a great pleasure to be writing to you to support the commercial development proposed by Mr. Carmine Iosue at the site of our former Pasquesi Home and Garden Store at 1045 South Waukegan Road in Lake Forest.

We've been residents of Lake Forest for many years and were honored to be able to serve the Lake Forest community from our Lake Forest location from 1984 until 2006. When we outgrew the space in Lake Forest, we built a new, much larger store and greenhouse in Lake Bluff. Fortunately, we still serve many of the same friends, clients and local institutions.

It's hard to believe that the property has been vacant for almost fifteen years.

We noticed that Mr. Iosue removed the vacant building in late 2019. We obtained a brick from the building when it was demolished as a memento and reminder of many good years in Lake Forest.

We want to let you know that we support the proposed development and think it's a good use for this important piece of property, which acts as a gateway to the City. We believe there are many benefits to the community for the property to be developed and we hope that you agree.

We hope to see you at the ground breaking ceremony.

Kind regards,


Ed Pasquesi


Marie Pasquesi

**Plan Commission Meeting – September 9, 2020
Agenda Item 6**

**Introduction of Redevelopment Concepts – NO ACTION
Southwest Corner – Deerpath and Bank Lane
(current Midwest Bank site)**

Staff Memo
Vicinity Map
Air Photos

Materials Submitted by the Petitioner

Project Summary
Site Plan Concept
Floor Plan Concepts

A complete copy of this packet is available for review in the Community Development Department and on the City's website, www.cityoflakeforest.com



Memorandum

TO: Chairman Kehr and members of the Plan Commission

FROM: Catherine J. Czerniak, Director of Community Development

DATE: September 9, 2020

RE: Southwest Corner of Deerpath and Bank Lane – Midwest Bank Site

An early concept plan for redevelopment of the Midwest Bank site located on the southwest corner of Deerpath and Bank Lane in the Central Business District will be introduced to the Commission at the September 9th meeting. No petition has yet been filed for this property with the City and no staff review or analysis has occurred. The purpose of this introduction is to give the Plan Commission and the public an early look and the opportunity to offer comment, identify potential issues and request information for inclusion in the formal submittal which is planned in the coming months.

General Information

- The concept plan was prepared by the contract purchasers, 241 Deerpath LLC, Peter Witmer 50%, Todd Altounian 50%.
- Midwest Bank currently owns and occupies the entire site which totals just over a half acre. The bank no longer has a need for the entire site however, the bank intends to remain on the redeveloped site in some form.
- The property is zoned B-4, Preservation Business District. This district permits a range of uses including retail, restaurants, office and residential. The site is not in an area where non-retail first floor uses are restricted.
- The property is currently developed with a building, several drive thru banking lanes and a surface parking lot. The site is almost entirely impervious.
- The north half of the property is in the Local Historic District.
- The building was constructed in 1928 and through the years was the location of retail businesses, residential apartments and beginning as early as 1970, Midwest Bank.
- There were at one time, two buildings on the site, one of the buildings, the Telephone Exchange building, was demolished in 1975 and the other building was enlarged about that time. Various alterations have occurred to the existing building over the years.

- An adhoc committee was recently appointed by the City Manager to study and make recommendations on ways to improve the Deerpath streetscape. That group recently completed its work. The recommendations from this group include the portion of Deerpath adjacent to the Midwest Bank site. The report and recommendations from the Committee will be presented to the Historic Preservation Commission later this month and if approved, will be provided to the Plan Commission so the recommendations can be taken into consideration at the time the redevelopment of the Midwest Bank site is formally brought forward for public hearing. Consideration of configuring Bank Lane as one-way south, south of Deerpath, is recommended in the report.

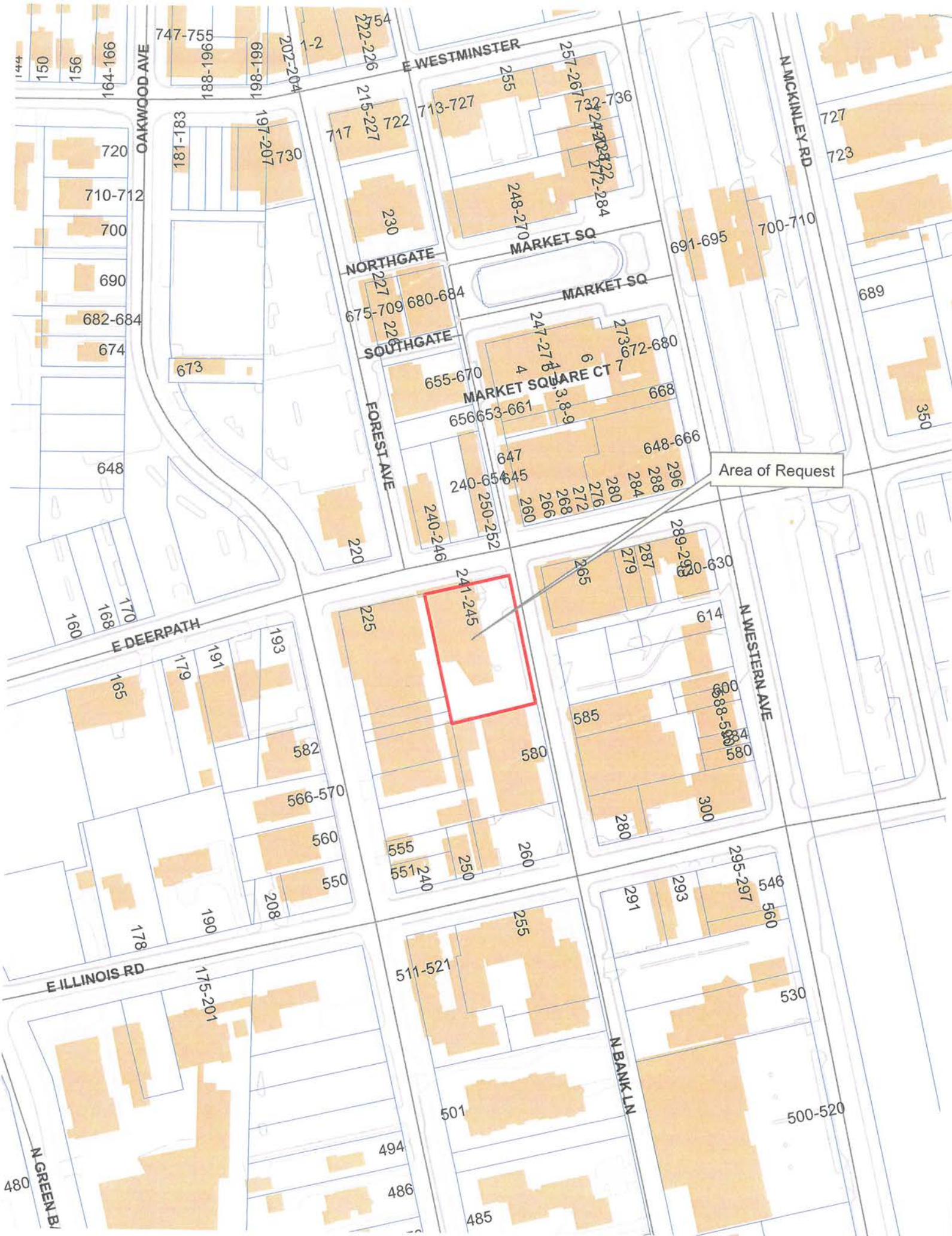
Process

When a complete application is received for this project, staff will conduct preliminary reviews of the plans from engineering, zoning, public safety and other perspectives consistent with standard practices. A determination will be made at that time on the specific actions that will need to be requested from the Plan Commission. In addition to review and a recommendation on the overall site plan, this project will likely require consideration of a Special Use Permit for the bank and possibly other variances, yet to be determined.

Once the staff review is completed and if needed, the plans have been revised or additional information submitted, the petition will be properly noticed for public hearing and brought before the Plan Commission to begin the required public review process. This project will also require design review by the Historic Preservation Commission.

Recommendation

At this meeting, the Commission is encouraged to listen to the high level description of the concept for redevelopment of the site which will be presented by the developer. As noted above, no staff review has yet occurred. The Commission is asked to provide general comments, identify concerns or issues and make requests for information that should be included when the project is formally presented for Commission review. At this we anticipate “collecting” questions that will be responded to in detail later when the project is brought forward for public hearing and action.





Area of Request



Area of Request

241 E. DEERPATH

LAKE FOREST

September 9th, 2020
Updated Statement of Intent
For Information Only
Planning Commission

This information is for the first review of the general concept for the development of 241 E. Deerpath.

Existing Site

- The site dimensions are 132'x198' and an area of 25,251 Square Feet.
- The zoning district for the site is B4 Preservation Business.
- Existing building is 14,225 square feet and houses the First Midwest Bank
- The site topography's high spot is on the northwest end and slopes down at the southeast end approximately 6'.

Existing Site Circulation

- Currently the site has one curb entrance only on Deerpath and an entrance only on the North end of Bank Lane and exit only at the south end of Bank Lane.

Proposed building site and circulation

- Three story building with partial first floor commercial that will house the First Midwest Bank and another commercial space. The area that is above the street level at the southern end would be Residential units.
- Upper two floors Residential units.
- Lower level would have access at the southeast corner and provide underground parking and a drive thru for the bank.
- Proposed angle parking on the west side of Bank Lane.
- Look at the possibility of one way traffic going south on bank lane.

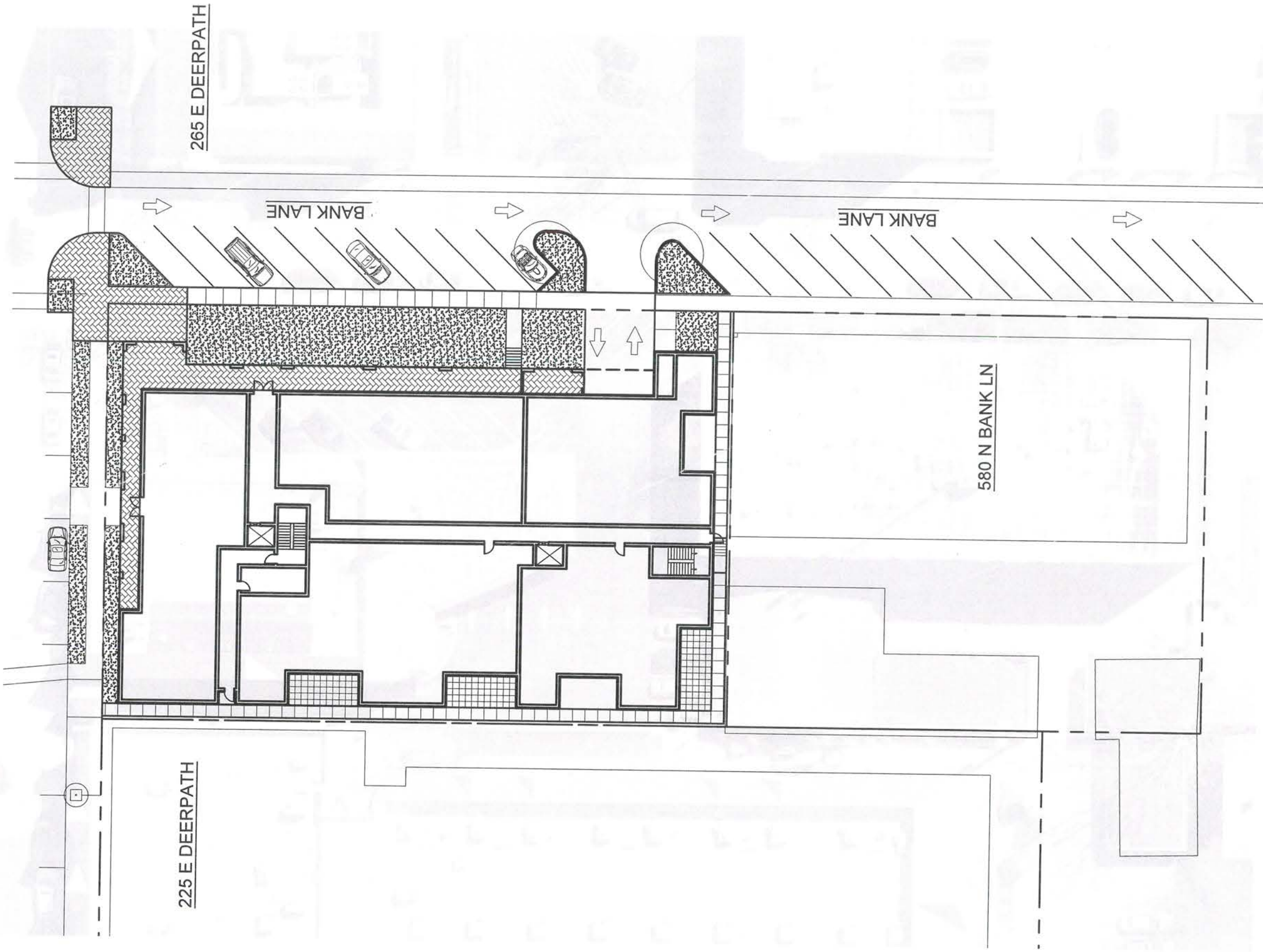
CONCEPT PLAN - REDEVELOPMENT OF MIDWEST BANK PROPERTY
SOUTHWEST CORNER DEERPETH AND BANK LANE

CONCEPT PLAN - REDEVELOPMENT OF MIDWEST BANK PROPERTY

EAST DEERPETH

225 E DEERPETH

265 E DEERPETH



6,000 SF COMMERCIAL = 24 PARKING SPACES
(17) RESIDENTIAL UNITS
(4) 3 BEDROOM (13) 1-2 BEDROOM
TOTAL = 34 PARKING SPACES
58 PARKING SPACES REQUIRED
43 SPACES LOWER LEVEL
15 SPACES ON STREET
58 PARKING SPACES TOTAL

Witmer & Associates
Architecture and Interior Design
witmerandassoc.com

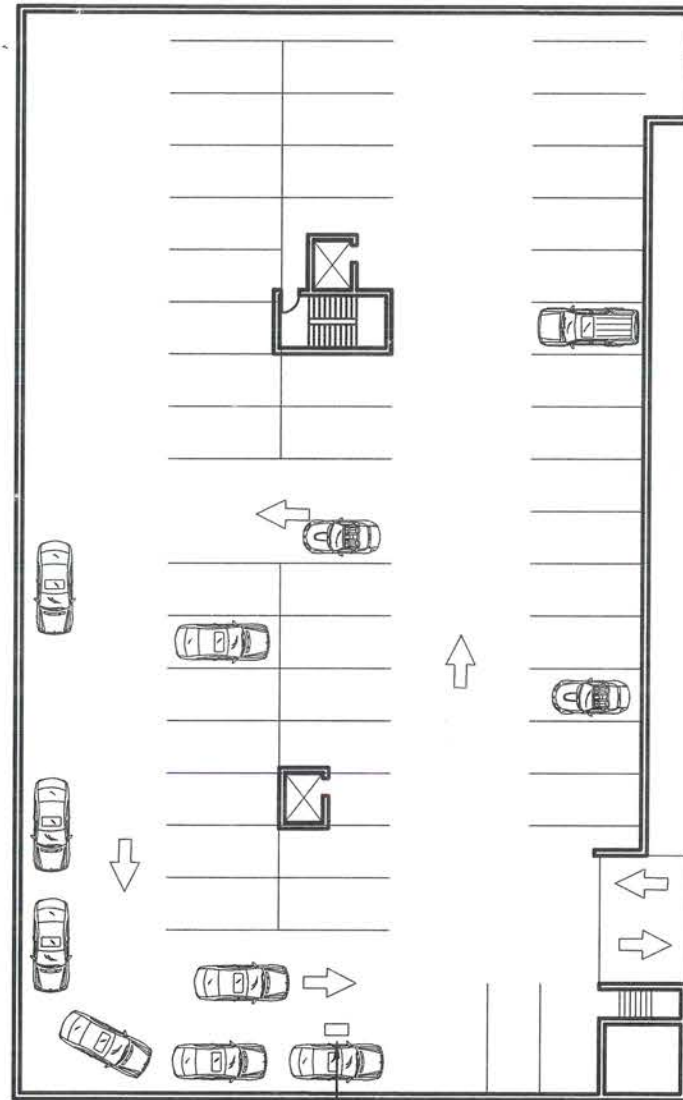


241 E DEERPETH

Aug 14, 2020 SCALE: 1/32" = 1'-0"

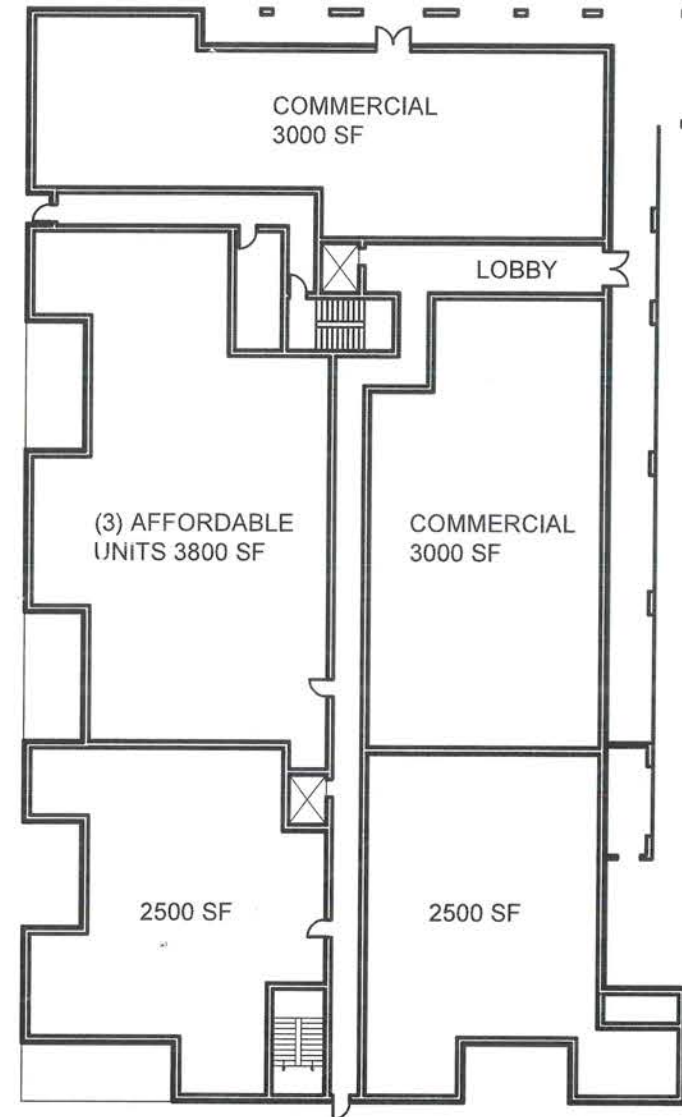


43 PARKING SPACES

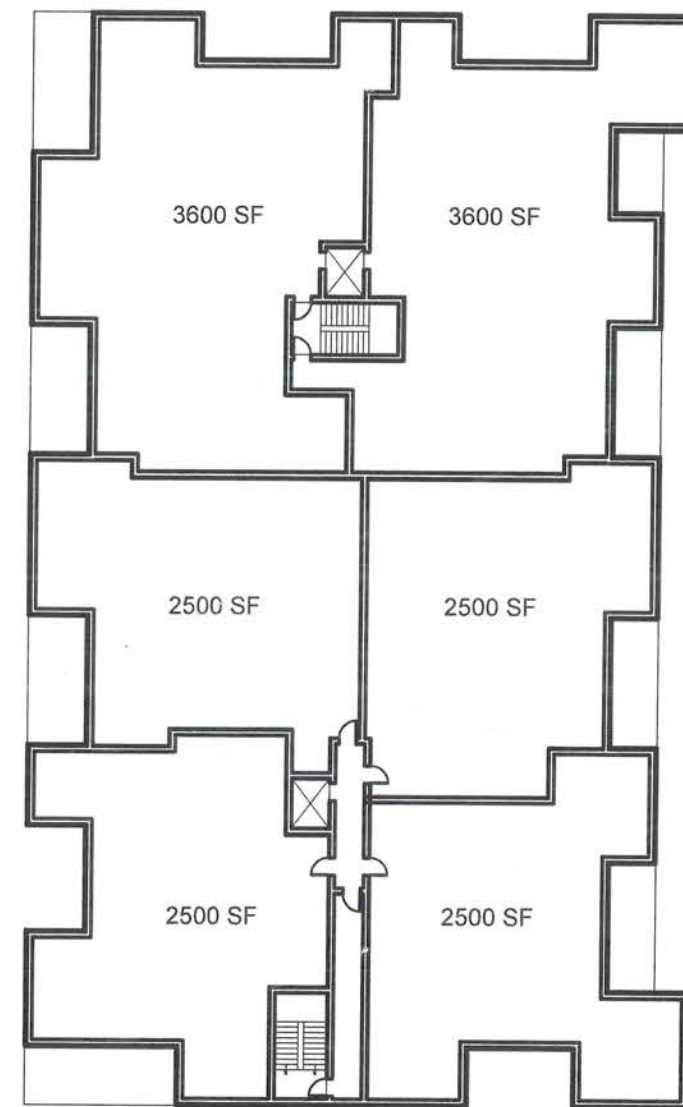


DRIVE THRU KIOSK

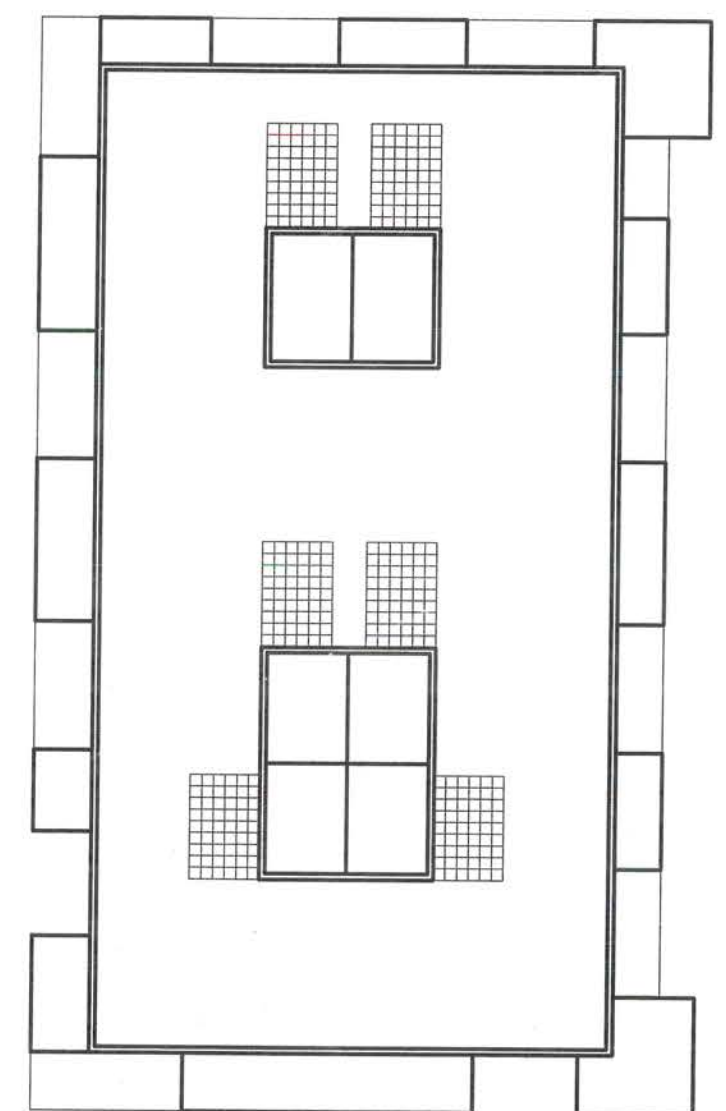
PARKING



FIRST FLOOR



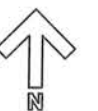
SECOND & THIRD FLOOR



ROOF



Witmer & Associates
Architecture and Interior Design
witmerandassoc.com



241 E DEERPATH
FLOOR PLANS

Aug 14, 2020 SCALE: 1/32"= 1'-0"