

The City of Lake Forest
Plan Commission
Proceedings of the April 14, 2021 Meeting

A meeting of the Lake Forest Plan Commission was held on Wednesday April 14, 2021, at 6:30 p.m. The meeting was conducted remotely in compliance with Governor's Executive Order 2020-07, issued on March 16, 2020 that suspended certain Open Meetings Act provisions relating to in-person attendance by members of a public body due to the Covid-19 pandemic.

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

Commissioners absent: Monica Artmann-Ruggles

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

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

Chairman Kehr introduced the members of the Commission and reviewed the meeting procedures followed by the Commission.

2. Consideration of the minutes.

Consideration of the meeting minutes was postponed.

3. Consideration of a request for approval of a resubdivision reconfiguring two lots and establishing proper access and utility easements. No additional lots are proposed. The property is addressed as 477 Illinois Road.

Property Owner and Applicant: Rose A. Sloan
Representative: Michael Adelman, attorney

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

Mr. Adelman stated that a recommendation in support of approval of the tentative and final plat for a two lot subdivision in the R-1 zoning district is requested. He noted that the resubdivision combines three separate tax parcels. He noted that the Sloan family has owned and lived on the property since 1983. He noted that the resubdivision plat is really a housekeeping measure to clean up a subdivision that was approved in the 1980's. He reviewed the existing condition of the property noted that today, the site is developed with one house. He reviewed the history of the parcels noting that in 1968, the Calvert Subdivision was approved and soon after, the house at 477 Illinois Road was constructed. He noted that in 1978, the Rasmussen family received approval of the two lot Rasmussen's Resubdivision, which was a resubdivision of the Calvert Subdivision. He noted that Lot 1 of the Rasmussen's Resubdivision is the site of the existing house and includes a 20 foot wide private driveway that extends east to Illinois Road. He stated that Lot 2 of the Rasmussen's Resubdivision is south of Lot 1 and is served by an access easement as reflected on the 1978 plat of subdivision. He stated that in 1979, utilities were extended under the driveway to serve both of the parcels. He noted that the

Sloan family purchased both Lots 1 and 2 in the Rasmussen's Resubdivision and later, in 1986, the Sloan family purchased an additional parcel of land, the backyard of the property addressed as 483 Illinois Road, approximately 20,246 square feet. He stated that the proposed resubdivision incorporates the parcel purchased in 1986 into the larger Sloan property. He explained that neither the Sloan family, nor the City have any record that the City approved or recognized the land transfer that occurred between neighbors in 1986. He noted in 2016, Mr. Sloan hired an attorney and land surveyor to help clean up this matter, but unfortunately, he passed away in 2017 prior to the matter being resolved. He stated that Ms. Sloan's son, Shawn, has recently become involved in an effort to finish the process. He stated that the entire property totals 66,077 square feet. He stated that based on the minimum lot size, the property could be subdivided into four lots. He stated however that the Sloan family only wishes to pursue clarifying the lot boundaries of the existing two lots by incorporating the parcel that was acquired later. He stated that Lot 1 in the proposed resubdivision is developed with the existing residence and includes the driveway. He stated that the proposed Lot 2 retains an easement across a portion of Lot 1, the driveway, for access and utilities. He stated that a future residence on Lot 2 would be compatible in size to the existing residence on proposed Lot 1 and with homes on the surrounding properties. He noted that today, Lot 2 is an area of mowed grass, without trees. He noted that the easement document that will be prepared with detail clearly rights and responsibilities of each party.

Ms. Czerniak confirmed that discussions about "cleaning up" the lot boundaries on the Sloan property has been discussed for several years. She stated that although the City Attorney advised that the boundaries could likely be clarified through an administratively approved property line shift, the City Engineer recommended resubdivision through approval of an updated plat is the best approach to provide a record of the layout of the lots and to document the easement. She stated that two lots existing on the Sloan property today and reiterated that the boundaries of those lots are being adjusted. She stated that no additional lots are proposed. She stated that no infrastructure work or regrading is proposed as part of the resubdivision. She noted when Lot 2 is developed, a grading plan will be required with the permit application for a new residence. She confirmed that although the land transfer completed in 1986 was not done in accordance with City regulations at that time, there is no recourse for the City to reverse the transaction that occurred. She noted that the land transfer that occurred in 1986 created a non-conforming parcel at 483 Illinois Road which limits the redevelopment potential of that property. She noted that the proposed resubdivision does not change that fact. She noted that the nonconforming condition of the 483 property was created by a prior owner. She stated that the staff report provides a recommendation in support of the proposed resubdivision.

In response to questions from Commissioner Moorhead, Ms. Czerniak confirmed that both lots in the proposed resubdivision are considered lots-in-depth because they do not have the minimum street frontage as required by the Code. She explained that there is no requirement that the driveway access area be included in Lot 2, only that an easement be recorded. She confirmed that when a new residence is proposed on Lot 2, a grading plan, tree plan and landscape will be required and will be subject to review as part of the new residence. She confirmed that the house at 483 Illinois Road does not conform to the required setbacks at least partially as a direct result of the property transfer that occurred in 1986 without review or City approval. She noted that the 483 Illinois Road property is not part of the proposed resubdivision.

In response to questions from Commissioner Athenson, Mr. Adelman confirmed that Lots 1 and 2 will share the existing driveway consistent with the layout of the existing subdivision. He clarified

that Lot 1 will own the driveway and Lot 2 will have access rights documented by a recorded easement. He stated that the parcel that transferred in 1986 was just over 20,000 square feet.

In response to questions from Commissioner Athenson, Ms. Czerniak confirmed that the City cannot compel the current owners of the 483 Illinois Road to reverse the land transfer that occurred in 1986 or to take any other action. She stated that the 483 Illinois Road property is a nonconforming situation which will be a factor in the future if changes are proposed to the existing residence on the lot or if a new house is proposed in the future. She noted that the two lots in the proposed resubdivision exceed the minimum requirements for lots in the R-1 zoning district.

In response to questions from Chairman Kehr, Ms. Czerniak stated that from time to time the City becomes aware of land transfers between property owners that have occurred without proper approval or documentation. She stated that the Code provides an administrative process for approving transfers of small parcels of land between adjacent owners so long as no nonconformities with the Zoning Code are created as a result of the transfer.

Hearing no further questions from the Commission, Chairman Kehr invited public comment. Hearing no public comment, she invited final questions or comments from the Commission, hearing none, she invited final comments from the petitioner.

Mr. Adelman stated that in his opinion, Lake County should not have recorded the deed for the transfer parcel in 1986. He stated that there are more protections in place today to prevent a similar situation from occurring.

In response to questions from Commissioner Athenson, Mr. Adelman stated that the nonconforming conditions on the 483 Illinois Road property will play a role in how the property is redeveloped in the future. He noted that there are many properties with nonconforming conditions as a result of actions that occurred in the past.

In response to questions from Commissioner Dixon, Mr. Sloan explained that his father, along with the then owner of the 483 Illinois Road property, agreed to the land transfer. He stated that his family benefited by gaining a larger yard space.

Commissioner Athenson thanked the petitioner for coming forward to clean up the past actions by properly documenting the lots and easement.

Commissioner Moorhead stated concern about the property conveyance that occurred in 1986 noting that it appears that the conveyance did not satisfy the subdivision requirements that were in place at that time. He stated that he understands the petitioner's goal but stated concern that the proposed resubdivision creates a nonconforming setback situation on the 483 Illinois Road property.

Commissioner Dixon noted that the nonconforming situation was created in 1986, as a result of the land transfer. The noted that the resubdivision acknowledges the land transfer and does not change the current nonconforming conditions that already exist on the 483 Illinois Road property.

Chairman Kehr agreed with Commissioner Dixon's comments.

In response to questions from Commissioner Freeman, Ms. Czerniak confirmed that the City Attorney has reviewed the situation and had confirmed that the City has no ability to compel the 483 Illinois Road property owner to take any action.

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

Commissioner Dixon made a motion to recommend approval to the City Council of the tentative and final plat for the Sloan Resubdivision subject to the following conditions:

1. Prior to the recording of the plat of subdivision all applicable fees shall be paid.
2. Prior to the issuance of a building permit for a new residence on Lot 2, all applicable impact fees shall be paid.

The motion was seconded by Commissioner Freeman and approved by a vote of 5-1 with Commissioner Moorhead voting nay for the reasons he previously stated.

4. Public comment on non-agenda items.

There was no public comment on non-agenda items.

5. Additional information from staff.

Ms. Czerniak noted that Chairman Kehr and Commissioner Freeman are near the end of their terms and stated that the Commission will have an opportunity to recognize their contributions at a future meeting.

The meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Catherine Czerniak
Director of Community Development