

Plan Commission Meeting – July 14, 2021
Agenda Item 3

Lucky Duck Restaurant – Special Use Permit
950 N. Western Avenue

Vicinity Map
Air Photos
Staff Report

Materials Submitted by the Petitioners
Application
Statement of Intent
Floor Plan



STAFF REPORT AND RECOMMENDATION

TO:	Chairman Dixon and members of the Plan Commission
DATE:	July 14, 2021
FROM:	Catherine J. Czerniak, Director of Community Development
SUBJECT:	<i>Special Use Permit – New Restaurant in Westwood Center, 950 N. Western Avenue – Lucky Duck – Tapas and Drinks</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 Owners

Cecilia Lanyon and Dominic Zumpano

Summary of Request

This is a request for a Special Use Permit to allow a new restaurant to occupy an existing tenant 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 has, over the past couple years, considered and recommended approval of requests for new restaurants in this development as the revitalization work on the overall building has progressed. Kuro Bistro, Donati's Pizza and Jefe's Tacos, all small scale restaurants, are all currently operating.

The newest restaurant now proposed, Lucky Duck, will be located in the small space, about 800 square feet, currently occupied by The Peanut Gallery. The Lucky Duck will be owned and operated by Cecilia Lanyon and Dominic Zumpano, the current owners and operators of The Peanut Gallery. They are aware that The Peanut Gallery has a good following however, they want to pursue a different type of food offering that they believe will also have a strong following in the community. Ms. Lanyon and Mr. Zumpano have said that The Peanut Gallery is not going away, but just going on hiatus and may return in another form in the future.

The Lucky Duck will offer a tapas style food option to the community with specialty beverages. The hours of operation will be reduced from the current hours of the Peanut Gallery, offering only dinner, not lunch, and there will be minor changes to the kitchen equipment. The adjacent courtyard provides the opportunity for outdoor seating on a seasonal basis.

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. Special Use Permits are most often granted to specific businesses and are not transferable.

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 existing restaurants that operate 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, on the north side of Woodland Road. 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.

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 to 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 the Lucky Duck Restaurant

As noted above, a new restaurant is proposed to occupy space in the courtyard in Westwood Center. Lucky Duck will not have frontage on Western Avenue. The restaurant will be designed to easily accommodate customers who wish to dine in, in the limited seating area or pick up food to go. As noted above, the new restaurant will be operated by Cecilia Lanyon and Dominic Zumpano, both of whom have restaurant experience in Lake Forest. They currently operate both The Gallery on Wisconsin Avenue, and The Peanut Gallery.

The restaurant, as currently planned, will operate five days a week, serving dinner, from 5 p.m. to 9 p.m. on Tuesday, Wednesday and Thursday, and from 5 p.m. to 10 p.m. on Friday and Saturday. As the weather permits, limited outdoor dining may be available in the center of the Westwood Center complex. The courtyard is encircled by the existing building which buffers noise, light and activity from the neighboring homes to the west and north. However, the Lucky Duck is not expected to generate any increase in activity overall from the activity currently generated by the Peanut Gallery.

Staff Evaluation

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. As noted above, as currently planned, the new restaurant will close at 9 p.m. Tuesday, Wednesday and Thursday; and 10 p.m. on Fridays and Saturday.

Performance Standard – Ventilation Systems

Only minor changes are proposed to the kitchen equipment. The flat top grill will be replaced by six burners and one burner will be removed. Any significant changes to the kitchen will require permits and inspections by the City. 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 outdoor 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 trash from the restaurant will be housed in the alcove provided for a dumpster located on the west side of the building. Per City Code, trash and grease must be kept in a closed containers. Trash must be collected on a regular basis, as needed to avoid overflow of the containers.

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 are only permitted to 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. 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 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 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 detailed below, 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 Commission's public hearing were mailed to residents in the surrounding area. The agenda for this meeting was posted at public locations and on the City's website. To date, no written testimony had been received on this petition.

Staff Recommendation

Based on the findings presented above, recommend approval of a Special Use Permit to authorize the Lucky Duck 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.

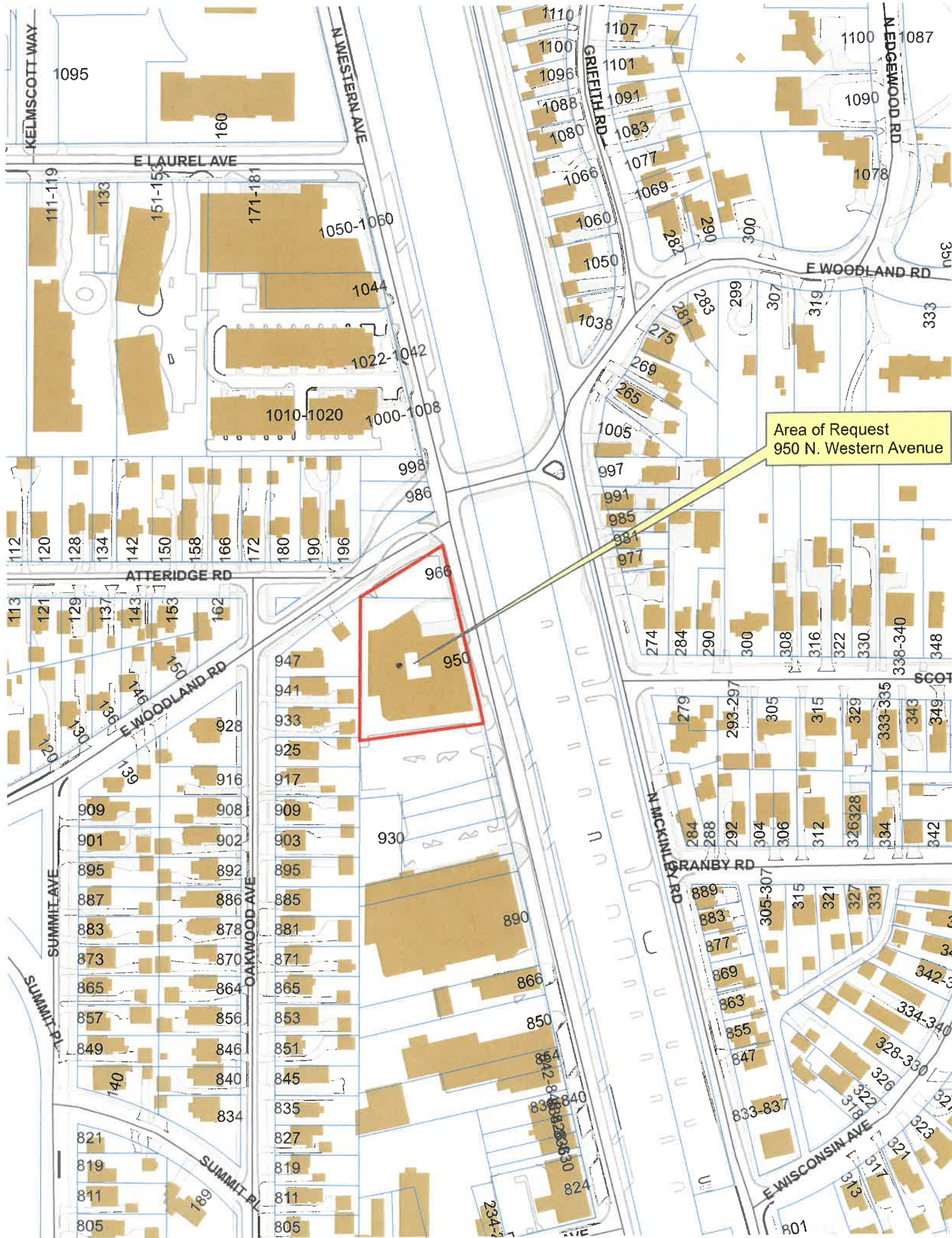
Conditions pertaining to the overall Westwood Center Site (from previous approvals)

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 Lucky Duck

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.
7. 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.

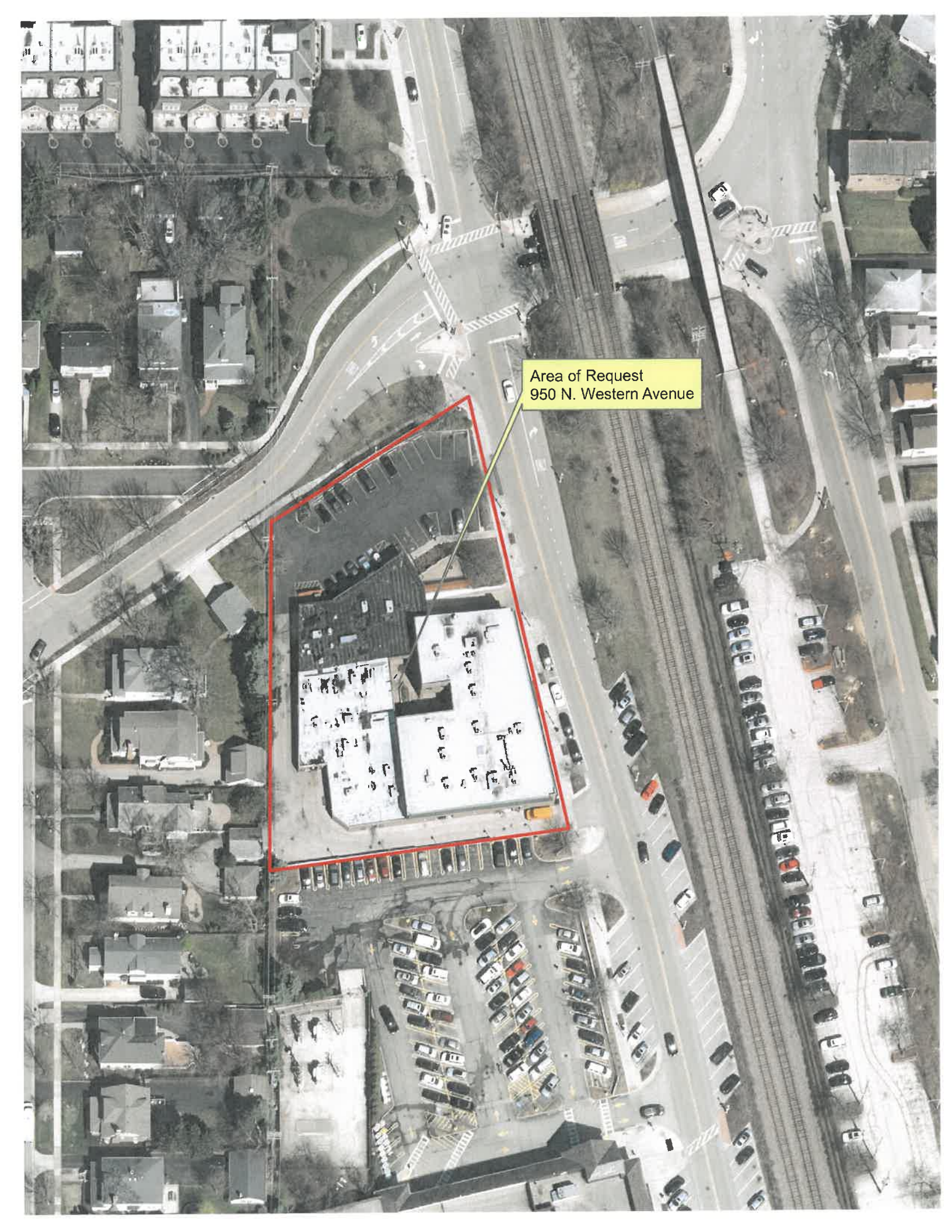
8. During peak hours, the restaurant owners are responsible for assuring regular monitoring of the parking lots and neighboring residential streets to verify that parking is occurring consistent with the established policies and to take corrective action if necessary.
9. The property owners and restaurant 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.



Area of Request
950 N. Western Avenue



Area of Request
950 N. Western Avenue

An aerial photograph of an industrial or commercial area. A large, rectangular building with a white roof is outlined in red. To the right of the building is a large parking lot filled with cars. Further right is a long, narrow lot containing many white vehicles, possibly a fleet or storage area. A road runs along the top and right side of the building. A yellow callout box with a pointer indicates a specific area on the road. The background shows residential houses and trees.

Area of Request
950 N. Western Avenue



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

PROPERTY ADDRESS 950 N. WESTERN AVE ZONING DISTRICT BUSINESS

EXISTING USE "PEANUT GALLERY" ICE CREAM + SANDWICHES

PROPOSED USE "LUCKY DUCK" TAPAS + DRINKS

EXPANSION OF EXISTING USE YES ☒ NO

VARIANCE REQUIRED YES ☒ NO

APPLICANT

Name CECILIA LANYON

Address 908 N. OAKWOOD AVE.

LAKE FOREST, IL. 60045

Phone 650-455-4946

Relationship to Property TENANT
(Owner/Tenant/Attorney)

PROPERTY OWNER (if different from applicant)

Name ALTHOUNIAN

Address 13110 ROCKLAND RD #1

LAKE BLUFF, IL. 60044

Phone 847-234-8600

BENEFICIAL INTERESTS

Corporation

Partnership

Trust, land or other

☐ (see exhibit A)

☒ (see exhibit B)

☐ (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

[Signature]
Owner

6-11-21
Date

Owner
Cecilia Lanyon
Applicant

Date
6-11-21
Date
8/04

[Type here]

EXHIBIT "B"

PARTNERSHIP OWNERSHIP

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

NAME CECILIA LANYON
ADDRESS 908 OAKWOOD
LAKE FOREST, IL 60045
OWNERSHIP PERCENTAGE 51 %

NAME DOMINIC ZUMPAÑO
ADDRESS 31 E. WASHINGTON #1
LAKE BLUFF, IL 60044
OWNERSHIP PERCENTAGE 49 %

NAME _____
ADDRESS _____

OWNERSHIP PERCENTAGE _____ %

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Statement of Intent:

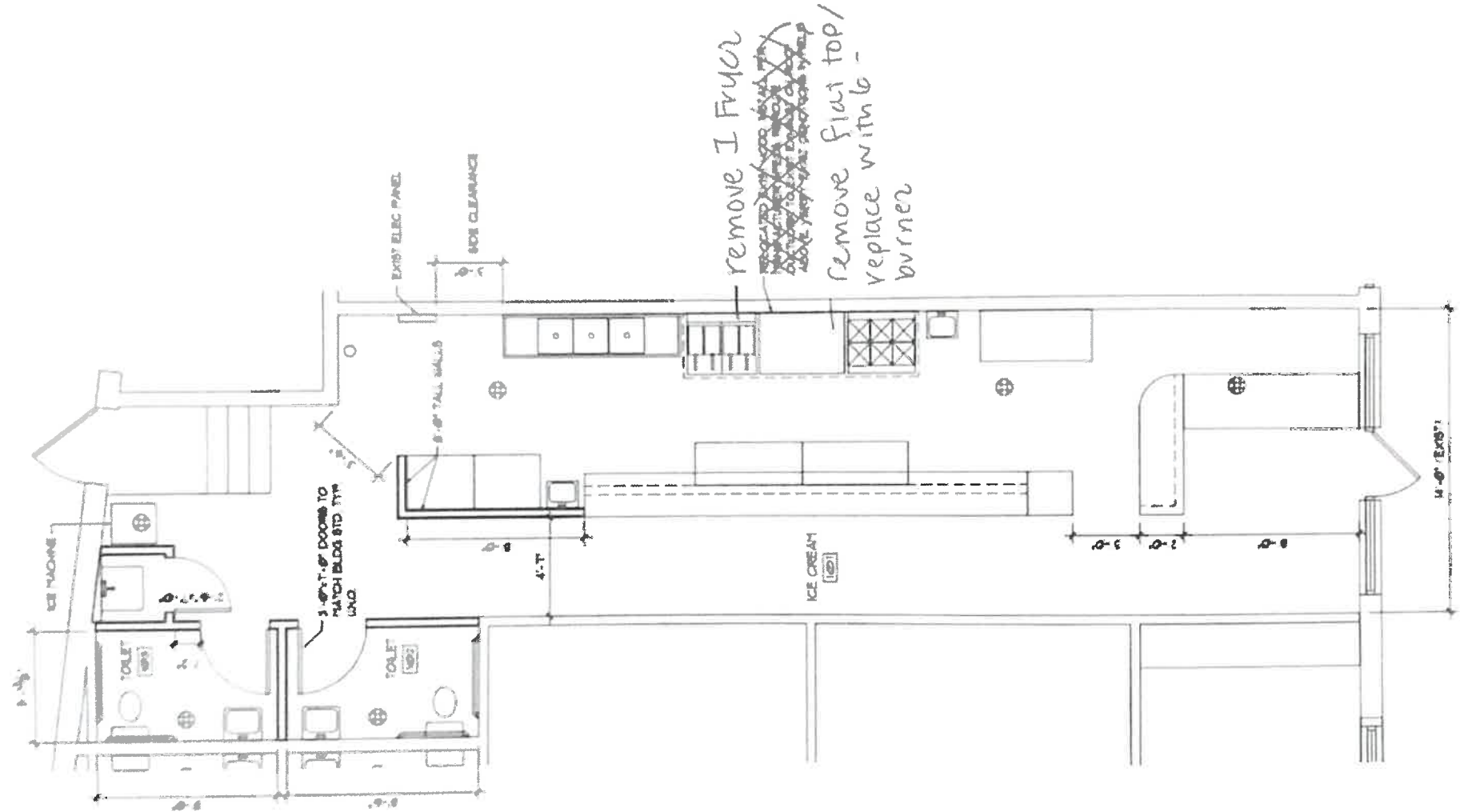
The Peanut Gallery currently occupies 950 N. Western Ave. unit 108. We operate as an ice cream and sandwich shop, Wednesday through Sunday for lunch and dinner. We are proposing a new concept in this space that maintains the same logistical operations of: Parking, trash collection, deliveries, egress etc.

The primary changes to the space would be:

- Hours of Operation: open for dinner only
- Food offerings: we would no longer serve ice cream and sandwiches, we would offer tapas and specialty beverages
- Liquor license: We would be applying for a liquor license in the location.

"The Lucky Duck" is a tapas style dining option that focuses on small plates and speciality drinks. We are appealing to a niche clientele and anticipate significantly less walk-through traffic.

Cooking Equipment will decrease. We are not proposing any significant changes to the space, only aesthetic (painting and furniture). Proposed floor plan is identical to current floor plan with an addition of two regular tables (19 seats total).



A2 FIRST FLOOR PROPOSED PLAN
 SCALE: 1/4" = 1'-0"