

**The City of Lake Forest**  
**Plan Commission**  
**Proceedings of the October 12, 2022 Meeting**

A meeting of the Lake Forest Plan Commission was held on Wednesday October 12, 2022, at 6:30 p.m.

Commission members present: Chairman Dixon and Commissioners Jamie Moorhead, Louis Pickus, Mark Pasquesi, and Barrett Davie

Commissioners absent: Commissioner Stephen Douglass (one position vacant)

Staff present: Catherine Czerniak, Director of Community Development

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

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

**2. Consideration of the minutes of the May 11, 2022 and August 10, 2022 meetings.**

The minutes of the May 11, 2022 meeting were approved with corrections as requested by Commissioners Pickus and Davie.

The minutes of the August 10, 2022 meeting were approved as presented.

**3. Consideration of a request for an amendment to a Special Use Permit for Faith Lutheran Church and consideration of the associated tentative and final plan of resubdivision. No change in use is proposed.**

**Property Owners: 680 W. Deerpath, LLC (North Shore Lutheran Ministry, Inc.), 688 W. Deerpath, LLC (North Shore Lutheran Ministry, Inc.) and 700 W. Deerpath, LLC (North Shore Lutheran Ministry, Inc.)**

**Representative: Michael Adelman, Attorney  
Joel Minster, President, North Shore Lutheran Ministry, Inc.**

Chairman Dixon asked the Commission for any conflicts of interest or Ex Parte contacts. Hearing none, he swore in all those intending to speak on the petition.

Mr. Adelman, 1190 W. Old Mill Road, noted that Faith Lutheran Church is located at 680 W. Deerpath, and the driveway entrance, parking lot, and the Church parsonage are located on the 688 W. Deerpath property. He stated that the Church acquired the 700 W. Deerpath property in 2001 and at that time, it was already developed with a single family home. He stated that the 700 W. Deerpath property has been occupied in recent years by tenants associated with the Church as well as by tenants not associated with the Church. He stated that a resubdivision of the three lots is requested to reflect the way the properties are currently used. He stated that all of the properties are in the

R-3 zoning district which has a minimum lot size of 40,000 square feet. He stated that the lots developed with the two homes are each 37,500 square feet and are nonconforming to the minimum lot size. He stated that the property on which Church is located conforms to the minimum lot size. He stated that the Church has been at this location since the mid-1950's. He stated that a Special Use Permit was first issued recognizing the Church as a pre-existing special use in 1980. He added that the Special Use Permit was amended in 1989 and 1999 to allow additions to the Church facilities and an expansion of uses at the Church. He stated that the current petition does not propose any change or expansion of use on the property or involve any construction or modification to the properties. He stated that the proposed resubdivision is intended to reflect and document how the three properties are currently used as part of the Church campus. He stated that the driveway to the Church parking lot currently is located on the parsonage property, 688 W. Deerpath. He explained that the rear yard of the 700 W. Deerpath property is used by the Church as green space for outdoor activities and gatherings. He stated that the three properties are owned by three separate LLCs but noted that the managing partner of the three LLCs is the same, North Shore Lutheran Ministry. He introduced the president of North Shore Lutheran Ministry, Joel Minster. He stated that the proposed subdivision will reconfigure the three existing lots adding that no increase or reduction in the number of lots is proposed. He stated that about forty percent of the 700 W. Deerpath lot will be transferred to the Church, the rear portion of the lot. He stated that about sixty-eight percent of the 688 W. Deerpath property will be added to the Church Campus. He stated that after the resubdivision, the parcel on which the Church is located will total 80,000 square feet. He reiterated that the 688 and 700 properties are currently non-conforming to the minimum lot size and will remain non-conforming after resubdivision. He stated that the purpose of the resubdivision is to allow the Church to sell the 700 or 688 residences in the future if desired without giving up land that has historically been used by the Church. He added that there is currently no plan to sell either of the houses. He stated that after the resubdivision, the homes on the reconfigured lots will still conform to the City's square footage limitations. He stated that the desired lot re configuration could have been requested through an administrative property line adjustment but noted that because the Church is authorized through a Special Use Permit which recognizes the boundaries of the Church campus, the resubdivision is requested.

Ms. Czerniak stated that an amendment to the existing Special Use Permit for Faith Lutheran Church is requested for the sole purpose of recognizing expanded boundaries for the Church property. She confirmed that neither a change in use, nor new construction is proposed. She stated that this area is unique in that it is not part of a distinct neighborhood. She reviewed the surrounding uses: Route 41 to the east, Deerpath to the south, Lake Forest Club and Northwestern Lake Forest Hospital to the north, and a single home owned by the hospital to the west and beyond that, the entrance to the hospital. She confirmed that the 688 and 700 W. Deerpath lots do not currently meet the minimum lot sizes adding that they were likely created prior to current zoning requirements. She noted that with the smaller lots as proposed, the existing homes will still comply with the allowable square footage however, the ability to expand the homes in the future will be limited.

Chairman Dixon invited questions from the Commission.

In response to questions Commissioner Moorhead, Ms. Czerniak acknowledged that the frontage on the 680 W. Deerpath lot as reconfigured does not meet the minimum frontage requirement in the R-3 zoning district and as a result, the lot, for future development purposes, will be considered a lot in depth.

Hearing no further questions from the Commission, Chairman Dixon invited public comments. Hearing none, he closed the public hearing and invited final comments from the Commission. Hearing none, he invited a motion.

Commissioner Davie made a motion to recommend approval of an amendment to the Special Use Permit for Faith Lutheran Church to allow additional land area to be incorporated into the Church Campus and approval of the associated plat of resubdivision. He stated that the recommendation is based on the findings as detailed in the staff report.

The motion was seconded by Commissioner Pasquesi and was approved by a vote of 5 to 0.

**4. Information and Commission Discussion and Direction: Topic – Outdoor speakers at restaurants. No Commission action is requested at this time.  
Presented by: City staff**

Ms. Czerniak introduced the agenda item and noted that Reagan Walsh, a Management Analyst with the City, conducted research and prepared the summary tables included in the Commission's packet. She noted that at the Commission's public hearing on a request for a Special Use Permit for Sophia Steak Lake Forest, the restaurant owners requested approval of outdoor speakers on the patio for the purpose of playing subtle background music. She stated that the Commission acknowledged that the Code presently specifically prohibits outdoor speakers at restaurants and forwarded a recommendation to the City Council that the applicable Code provision be reconsidered. The Council authorized the reconsideration and directed staff to present information to the Plan Commission for consideration. She stated that the question before the Commission is whether or not the Code should be amended to allow some flexibility with respect to outdoor speakers at restaurants. She stated that during the pandemic, the City Council directed staff to be flexible and creative in an effort to help businesses survive indoor shutdowns. She acknowledged that as a result, several restaurants installed outdoor speakers in conjunction with increasing outdoor dining opportunities and those speakers remain in place, and in some cases in use today. She noted that a few days after the opening of Sophia Steak Lake Forest, the City began receiving complaints about loud music on the patio despite the fact that outdoor speakers were not included in the approval of the restaurant. She stated that the complaints came from residents of the apartments on the north side of Laurel Avenue. She suggested that if outdoor speakers are permitted, it may be appropriate

to establish different regulations or limitations for restaurants located adjacent to residential development than for restaurants located amongst other commercial uses. She stated that based on the study conducted of other municipalities on the North Shore and beyond, allowing outdoor speakers in outdoor dining areas is appropriate. She suggested that the speakers be limited to music as opposed to announcements of various types. She stated that in establishing regulations for outdoor music, consideration should be given to establishing objective standards to allow for effective and efficient enforcement of the regulations.

Commissioner Pasquesi stated that in his opinion, it is important for the City to find a way to allow outdoor speakers on patios at restaurants. He stated that there should be limits on the decibels permitted but acknowledged that enforcement may be challenging. He stated that in his opinion, the decibel level should be consistent across the Central Business District and measured at a similar point for all restaurants.

Commissioner Moorhead agreed that outdoor speakers at restaurants should be permitted with some limit on decibels. He stated that for restaurants that require a Special Use Permit, the request for outdoor speakers should be considered as part of that process. He stated that from an enforcement perspective, the City should be given as many tools as possible.

In response to questions from Chairman Dixon, Ms. Czerniak confirmed that many communities do not have specific regulations pertaining to outdoor speakers at restaurants. She added that several communities studied limit noise generally, not specifically limited to restaurants, either using a reasonableness standard, or by specifying a decibel limit at the property line or at some other distance beyond the property line.

In response to questions from Commissioner Pasquesi, Ms. Czerniak stated that permitted decibel levels vary from community to community noting that a decibel level of 65 at the property line appears to be used in various places.

Chairman Dixon agreed in general with the comments of Commissioners Moorhead and Pasquesi, but stated that in his opinion, the sound level should be based on a "no unreasonable loud noise" standard. He stated that from an enforcement perspective, increasing fees and escalating fines could be considered. He suggested researching other College towns to find out what standards are in place.

Ms. Czerniak commented that responding to noise complaints with only a reasonableness standard can be tricky because of differing opinions on what is reasonable.

Commissioner Pickus agreed that the prohibition should be lifted. He stated support for an objective and agreed that a reasonableness standard can be difficult to enforce. He suggested that the City invest in a high quality decibel meter. He stated that a decibel limit should be set and measured at the property line. He suggested that

neighbors could be invited to hear what the specified decibel level sounds like to make them aware of what is permitted. He acknowledged that different neighborhoods may need to be treated differently.

Commissioner Davie stated support for using a "reasonableness" standard as provided for in the Code relating to noise generally.

Ms. Czerniak noted that currently, only restaurants within 150 feet of residential zoning require a Special Use Permit. She noted that restaurants sited further away from residential zoning districts do not require approval through a Special Use Permit. She stated that depending on how the Code is amended, existing restaurants approved through a Special Use Permit may or may not be required to request an amendment to the Special Use Permit to allow the addition of outdoor speakers on patios.

Ms. Czerniak summarized that based on the Commission's discussion, there appears to be interest in considering a draft of a Code amendment that allows outdoor speakers at restaurants, for music, with some limitations. She added that in drafting a proposed Code amendment, consideration should be given to whether restaurants that require approval through a Special Use Permit process should be treated differently from those that do not. She stated that staff will reach out to a noise consultant to get input on an appropriate decibel range for this type of sound depending on the surrounding uses.

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

There was no public comment on non-agenda items.

#### **6. Additional information from staff.**

The meeting was adjourned at 7:16 p.m.

Respectfully submitted,

Catherine Czerniak  
Director of Community Development