

**The City of Lake Forest**  
**Plan Commission**  
**Proceedings of the March 9, 2022 Meeting**

A meeting of the Lake Forest Plan Commission was held on Wednesday March 9, 2022, at 6:30 p.m.

Commission members present: Chairman Dixon and Commissioners Jamie Moorhead, Barrett Davie, Steve Lamontagne and Mark Pasquesi

Commissioners absent: Commissioners Louis Pickus and Stephen Douglass

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. Recognition of Past Plan Commission Members.**

Chairman Dixon recognized past Plan Commissioners Susan Athenson and Michael Freeman and past Plan Commission Chairman Rosemary Kehr and presented them with plaques recognizing their service to the community.

**3. Consideration of the minutes of the February 9, 2022, meeting.**

The meeting minutes of the February 9, 2022 meeting were approved as presented.

**4. Consideration of a request for a recommendation in support of a Special Use Permit for a Central Business District Planned Development. Modifications are proposed to the office building at 1401 N. Western Avenue to support adaptive reuse of the building for multi-family residential. A 1.0 floor area ratio and a variance from parking standards are requested.**

**Property Owner: 1401 N. Western, LLC (Carmen Speranza)**

**Contract Purchaser and Representative: Tom Swarthout, The Highview Group**

Chairman Dixon asked the Commission for any conflicts of interest or Ex Parte contacts. Hearing none, he noted that at the last meeting, the Commission heard a presentation on this petition, heard public testimony and deliberated. He invited further comment by the petitioner and from the public, hearing none, he invited a motion on the petition based on the previous discussion of this item by the Commission.

Commissioner Pasquesi made a motion to recommend approval of a Special Use Permit to the City Council to authorize a Central Business Planned Development for property located at 1401 N. Western Avenue.

The motion was seconded by Commissioner Davies and approved by a vote of 5-0.

- 5. Public Hearing and Action: Consideration of a request for a Special Use Permit for “Bunker’s on Western”, a new golf themed restaurant in an existing tenant space located partially within 150 feet of property zoned for residential use. The property is located at 950 N. Western Avenue, in Westwood Center.  
Property Owner: Westwood Center, LLC (Todd Altounian, Nicole Altounian, Jennifer Bianchi and James Altounian II)  
Representative: Jeff Urso, tenant**

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 and a presentation from the petitioner.

Mr. Urso introduced the petition and noted that the name of the proposed restaurant has been changed to “Duffer’s”. He stated that the restaurant is proposed in the space that was previously for another restaurant, Scouts, which was never established adding that later, a brewery was contemplating moving into the space. He noted that he owns Donati’s which is located adjacent to the space and as proposed, the two businesses will share a kitchen. He stated that Duffer’s is proposed as a family friendly restaurant with a bar and golf simulators. He stated that the streetscape windows will open to provide an outdoor seating atmosphere when the weather allows. He stated that his intent is to fill a gap in the food offerings and environments offered by other restaurants in the community.

Ms. Czerniak noted that several restaurants have recently opened in the Westwood Square development, Kuro Bistro, Lucky Duck and Donati’s/Jefe’s Tacos. She confirmed that although Scout’s Restaurant was approved by the City, it did not move forward, and she confirmed that there were discussions about a brewery occupying the space but noted that concept did not move forward either. She acknowledged that the pandemic played a role in those business decisions. She noted that Mr. Urso is partnering with Joe Knesley, the owner of Chief’s Pub in Lake Forest, on this new venture. She noted that both Mr. Urso and Mr. Knesley operate successful restaurants in the community. She noted that the proposed restaurant is partially within 150 feet of residential property and therefore requires a Special Use Permit. She noted that there are overall conditions for Westwood Square as detailed in the staff report which will apply to the new restaurant. She stated that findings in support of the petition are included in the staff report.

In response to questions from Commissioner Davie, Ms. Czerniak explained that the requirement for restaurants located within 150 feet of a residential zoning district to be considered through a Special Use Permit process and public hearing was established by the City in about 2003 in response to resident concerns. She confirmed that restaurants not located within 150 feet for residential zoning districts are permitted by right. She

noted that the value of this requirement will likely be considered during the Comprehensive Plan update process as the Central Business District is discussed.

In response to questions from Commissioner Moorhead, Ms. Czerniak stated that no correspondence was received on the petition. She stated that requests for use of the right-of-way, City sidewalks, for seasonal outdoor seating are considered by staff. She stated that a five foot wide clear space must be maintained to allow use of the public sidewalk. She noted that in the case of Duffer's, the windows along Western Avenue are proposed to open to allow an outdoor feeling to the indoor space.

In response to questions from Commissioner Moorhead, Mr. Urso confirmed that the existing Donati's kitchen will serve both restaurants. He noted that Suzy's Swirl soft serve ice cream is also offered in the Donati's space.

In response to questions from Commissioner Lamontagne, Mr. Urso confirmed that there is no need to modify the kitchen venting system to accommodate the new restaurant. He confirmed that Donati's delivery drivers stage in the below grade garage and noted that Duffer's is not intended to be a delivery based business like Donati's. He stated that they do not expect much activity from outside delivery services.

In response to question from Chairman Dixon, Mr. Urso confirmed that there have been no issues with the Donati's deliveries. He stated that he would like to work with the City to consider a few customer pick up spaces on Western Avenue depending on the demand. He stated his intent to offer a first class, family friendly restaurant to the community.

Chairman Dixon invited public comments hearing none, he returned the matter to the Commission.

Commissioner LaMontagne thanked the petitioner for his commitment to Lake Forest especially during the pandemic. He stated that Mr. Urso has demonstrated the ability to maintain a well-run business and the willingness to be responsive to the City and the neighbors.

Chairman Dixon noted that no testimony was received by neighboring property owners or residents which demonstrates the confidence that the community has in Mr. Urso. He invited a motion.

Commissioner Davie made a motion to recommend approval of a Special Use Permit to allow Duffer's restaurant to locate and operate at 950 N. Western Avenue, within 150 feet of residential properties, subject to the following conditions:

*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 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 Duffer's

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, if any, shall queue in the underground garage. No delivery drive access or staging shall occur in the alley.

8. All outdoor seating shall be vacated no later than 30 minutes after the business closes. No gathering in the courtyard by customers or employees is permitted after hours.
9. No outdoor speakers are permitted. During times when the windows are open along Western Avenue creating indoor/outdoor space, sound levels shall be regularly monitored to assure that any amplified sound from inside the restaurant is not audible on any residentially zoned property.
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.

The motion was seconded by Commissioner Pasquesi and approved 5-0.

**6. Presentation and Preliminary Input: Consideration of a request for a zone change for property located on the south side of Old Everett Road, west of Country Place. A zone change from R-5, Single Family Residence District with a three acre lot minimum to R-2, Single Family Residence District with a 20,000 square foot lot minimum, is requested. The approximately two acre property is vacant parcel and is located between 631 and 691 Everett Road. Pending Plan Commission input on the requested zone change, a four lot subdivision of the property is proposed.**

**Property Owner and Representative: Terralino, Ltd (Joe Passalino)**

Chairman Dixon asked the Commission for any conflicts of interest or Ex Parte contacts. Hearing none, he swore in those intending to speak and invited a presentation from the petitioner.

Mr. Passalino explained that he is seeking preliminary comments on a request to rezone his property from R-5, minimum three acre zoning, to R-2, minimum 20,000 square feet zoning, to allow subdivision of the property into four lots. He stated that he lives adjacent to the property proposed for rezoning and subdivision, at the end of the private lane. He stated that he built his house on the property about 20 years ago. Stated that he has experience in both commercial and residential development. He stated that currently, there is a demand for newly constructed homes in Lake Forest adding that the proposed development will add new lots to the City's inventory. He explained that the existing lane to his home would be widened to 18 feet and the new homes would front on and have access from the lane. He stated that the property totals two acres and under the requested zoning, could be divided into four half acre lots, about 110 feet wide. He stated that the development will have little impact on the

traffic and Everett Road streetscape. He stated that smaller lots, with smaller homes, are in demand today. He noted that proposed lots will be larger than many of the lots in the Lake Forest Heights Subdivision to the east noting that those lots are about a third of an acre in size. He stated that the proposed lots will allow homes of about 4,000 square feet and a garage. He stated that his intent is to build one or two speculative homes with good curb appeal, like his house. He noted that currently, his house is an island surrounded by open space. He said that he expected the second parcel in front of his home to be redeveloped however, he noted that it was recently purchased below market value in his opinion because there is not a demand for larger lots. He stated that he believes going forward, the demand will be for moderate homes, on moderately sized properties. He stated that the proposed new houses will face east, toward the Lane. He stated that the time is right for increased density in Lake Forest. He noted that because of the orientation of the new homes, along the private lane, only one of the homes will be visible from Everett Road. He presented a history of lot sales and the price per square foot for smaller lots. He noted that larger lots are still not selling as quickly as smaller lots in the community. He acknowledged that to develop the property, he will need to seek an amendment to the floodplain map from FEMA but stated that he is willing to do that work.

Ms. Czerniak stated that this item is presented to the Commission at this time to provide the petitioner with some early feedback before he invests additional time in money in preparing plans and conducting the studies that will be necessary to prepare a complete application for rezoning and subdivision of the property. She stated that Commission feedback on the proposed zone change is requested. She stated that zone changes are always considered in the context of the development that is proposed. She noted that information on the history of the property in this petition is included in the Commission's packet noting that the property resulted from a subdivision that occurred after the City condemned a portion of a larger parcel for road right of way in the 1970's. She confirmed at least a portion of the property proposed for development is in the floodway and a portion is in the flood plain. She stated that those issues will limit and direct development to some extent. She reviewed the pattern of zoning in the area acknowledging that unlike other areas of the community, there is some diversity in zoning districts in this area. She noted however, that standard zoning patterns move sequentially from larger lots to smaller lots, to non-residential uses.

In response to questions from Commissioner LaMontagne, Mr. Passalino explained that the property naturally lends itself nicely to four lots due to its configuration. He acknowledged that a significant investment will be necessary to make the property buildable and by allowing four lots, the investment will be worthwhile. He noted 3,000 square foot homes are in demand. He stated that his Civil Engineer has conferred with representatives from FEMA and believes that with some work, development of the site as proposed will be possible. He stated that there is good drainage on the property and said in his time living adjacent to the site, he has not witnessed water ponding on the property.

In response to questions from Commissioner Pasquesi, Ms. Czerniak confirmed that currently, the two acre lot is smaller than required in the R-5 district and complies with the lot size in the R-4 district.

In response to a question from Chairman Dixon, Ms. Czerniak confirmed that under either the R-5 or R-4 zoning, only one house is permitted on the property.

In response to questions from Commissioner Moorhead, Mr. Passalino stated that he has not reviewed the Judgement from the 1970's. He acknowledged that his proposed development plan does not conform to the current Comprehensive Plan designation for the property. He stated however that the property is unique and can be developed in a manner that will improve the neighborhood.

In response to questions from Chairman Dixon, Ms. Czerniak stated that it is reasonable to assume that at times, some of the properties in the area, near the drainage channel, are impacted during heavy rainstorms.

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

Scott Kaminski, 615 Everett Road, stated that his family purchased the property in front of Mr. Passalino in September 2021. He stated that he bought the property for the character of the area and understood that the home needed a significant investment but felt the location made the investment worthwhile. He stated that prior to purchasing the property, he did his due diligence to confirm that the zoning on the neighboring property allowed for development with one home. He stated that four new homes on the property, extending along the entire side of his property would negate all the reasons he purchased his property. He stated that the privacy and openness of his property would be negatively impacted. He stated that if the homes are constructed as proposed, his property would be surrounded by seven homes with the four new lots looking directly into the full length of his property. He stated that approval of the zone change could change the overall character of the area and open the door for future zone changes.

Jody Kaminski, 615 W. Everett Road, stated that the proposed development is unexpected. She stated that today, the area has a rural feeling and provided photos of the area to the Commission. She stated that when someone purchases a home zoned for larger lots, they are looking for and expecting something different that would be expected in an area zoned for half acre lots. She stated that consideration must be given to the zoning of adjacent lots. She reiterated that her and her husband purchased the property only after confirming the zoning in the area. She stated in Section 159.044 of the Code, the provisions seem to require that the surrounding area must be considered. She stated that there is not plan for this area to transition to R-2 zoning. She stated that she does not believe that rezoning and subdividing the property will promote public health, safety and general welfare. She stated that zone changes should not be granted unless they are determined to be in the public interest and not

solely in the interest of the developer. She stated that her and her husband spoke to a total of 17 people in the area, and all had strong opinions opposing the proposed change to the property. She stated that logic should apply adding that four new homes running the full length of her property does not make sense.

Cynthia Passalino, 631 Everett Road, stated that she is the developer's wife and noted that they purchased the property 20 years ago and built a large home to improve the area. She stated that due to the flood plain, the property to the west cannot be improved and as a result, the property proposed for development sits between two lower valued properties. She stated that a builder cannot justify developing the parcel with a single large home adding that subdivision of the property is reasonable.

Chairman Dixon noted that in addition to the testimony presented, the Commission also received several letters. He invited rebuttal to public testimony by the petitioner.

Mr. Passalino stated that the tax base will be increased if the development is allowed to move forward. He noted that as the developer, he will incur significant expenses including the cost of remediating the flood plain, City and school district impact fees, and building permit fees. He stated that when they bought the lot, they understood that the house on 615 Everett Road property would likely be redeveloped noting that today, a small house sits on the two acre parcel. He stated that the houses he proposes to build will increase the value of the neighboring property to the east. He stated that the front of the new houses will face the side of the neighbor's property, not the front of the house. He stated that privacy will be maintained because the back yards for the new houses will be on the west side of the new homes, away from the neighboring house to the east. He stated that he intends to preserve the country ambiance of the area adding that the development will be only four homes, not blocks and blocks of homes like in Lake Forest Heights. He stated that the proposed development will support property values in the area.

In response to a question from Commissioner Lamontagne, Mr. Passalino stated that in total he is proposing to add about 13,000 to 14,000 square feet of structures to the property after subdivision. He stated that the pear trees and ewes along the lane will be preserved.

Chairman Dixon invited Commission discussion and feedback.

Commissioner LaMontagne stated appreciation for the preliminary information submitted and acknowledged that more information would be needed before the Commission could act. He noted however that he is not supportive of the zone change. He stated that it appears to him that too much is proposed for the site, and it is not consistent with the overall character of the area. He stated that if the developer had purchased the 615 Everett Road property and proposed a comprehensive development of the four acres, the discussion may be different. He stated that it is important that consideration be given to the properties to the east and west of the proposed development site. He stated that significant building square footage is

proposed on the site and the presence of flood plain complicates the matter. He stated that in his opinion, the proposed development is a stretch.

Commissioner Pasquesi agreed with the petitioner's comments on the real estate with respect to the market being active, the values and that there is a demand for the type of product that is proposed. He stated however that this development as proposed is wholly inconsistent with the surrounding area and, in his opinion, will have a negative impact on the immediate neighbors. He stated concern about the way the homes are oriented, facing into the neighboring property. He stated that this petition would be difficult for him to move forward.

Chairman Dixon stated appreciation to the petitioner and coming forward early in the process and for working to add to the City's housing inventory and tax base. He agreed with the comments of Commissioners LaMontagne and Pasquesi and stated that he is not supportive of a zone change for the property from R-5 to R-2. He stated that there is a long history involving this property that stems from the condemnation of a portion of a larger property to make way for Old Elm Road. He stated that the larger property was intentionally permitted to be subdivided into five lots of no less than two acres each. He stated that the lots today, the lots in this area are legal non-conforming to the current zoning. He noted that the property is on a flood plain and FEMA approval will be needed adding that he remembers this area being inundated with water in the past after heavy storms. He expressed concern about adding more density in this sensitive area. He stated that if the zone change was approved, other property owners in the area may feel entitled to the same action and further development could occur potentially resulting in increased drainage issues. He stated that he is not in favor of the proposed zone change.

Commissioner Moorhead agreed with the comments of the other Commissioners. In addition, he questioned whether the matter of the zone change is under the purview of the City given the 1973 Judgement which direct that lots of no less than two acres be permitted in this area. He stated that the proposed zone change does not satisfy the criteria for rezoning as detailed in the staff report and does not appear to comply with the Comprehensive Plan which calls for Estate Residential, lots not less than one and a half acres in size. He noted that the petitioner referenced property values and pointed out that property values are not a criterion that is considered by the Commission. He stated that as proposed, the rezoning of the property as requested would create a pattern of diverse zoning and would have a jarring effect in the neighborhood. He stated that he is not inclined to support the proposed zone change.

Commissioner Davies agreed with the comments of the other Commissioners. He stated that the requested zone change is not consistent with either the Zoning Code or Comprehensive Plan. He stated appreciation to the petitioner for coming forward at an early stage before going down the road of developing costly plans and studies. He stated that he is not in favor of the zone change as presented.

Chairman Dixon summarized that the Commission has clearly indicated that there is not support for the o zone change. He stated that he hopes the Commission's comments are helpful to the developer.

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

There were no public comments on non-agenda items.

**8. Additional information from staff.**

The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Catherine Czerniak  
Director of Community Development