

The City of Lake Forest
Plan Commission
Proceedings of the May 11, 2022 Meeting

A meeting of the Lake Forest Plan Commission was held on Wednesday May 11, 2022, at 6:30 p.m.

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

Commissioners absent: Commissioner 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. Consideration of the minutes of the March 9, 2022, meeting.

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

3. Consideration of a request for a recommendation in support of a Special Use Permit for Sophia Steak
Property Owner: Gershman Properties
Petitioner: Ballyhoo Hospitality, Sophia Steak, Glenn Keefer, Partner

Chairman Dixon asked the Commission for any conflicts of interest or Ex Parte contacts. Hearing none, he swore in all those intending to testify on the petition. He apologized to the petitioner for the postponement of this issue from the last meeting due to lack of a quorum.

Glenn Keefer, one of three partners of Sophia Steak Lake Forest provided background on the Ballyhoo Hospitality company noting that Sophia Steak opened in Wilmette the day Illinois was closed down due to the pandemic. He introduced his partners and the managers of the planned Lake Forest location. He noted that Ballyhoo Hospitality operates seven restaurants in the Chicago area. He provided images of Sophia Steak in Wilmette noting that the overall character of the Lake Forest location will be much the same as that restaurant. He stated that at the Wilmette location, the restaurant staff work closely with neighbors. He noted that the concerns raised about the Lake Forest location include parking, hours, odors and music. He stated that employees will be instructed on where to park adding that violations of the policy will result in discipline. He stated that the restaurant will likely offer valet parking for customers. He stated that the restaurant will have steak broilers which do not use hard fuel like char broilers. He acknowledged that the restaurant, like all restaurants, will emit some smells but they will

be tolerable. He agreed with the recommended conditions of approval in the staff report with the exception of the prohibition of speakers on the patio. He stated that light music is desired to avoid a quiet space. He added that no live music is planned, and the music will be turned off by 9 p.m. He stated support for the patio hours as recommended in the staff report, 10:30 p.m. Sunday through Thursday, and 11:30 p.m. Friday and Saturday. He stated that if there is not demand, the restaurant will close earlier.

Ms. Czerniak stated that restaurants within 150' of residential zoning districts can only be approved through the Special Use Permit process based on the current Code. She noted that the requirement was put in place a number of years ago recognizing the elongated configuration of the business district which places some commercial properties close to neighboring residential neighborhoods. She reviewed that the Special Use Permit process provides the opportunity for public comment and allows conditions of approval to be imposed if determined to be necessary. She stated that the space that is proposed for occupancy by Sophia Steak was originally a car dealership. She stated that the space was converted to a restaurant in 2003 as part of the adaptive reuse of the building for office, service business, retail and restaurant uses. She noted that since 2003, redevelopment of the site to the north, the City's former Municipal Services Facility site, was approved for residential development most of which has been constructed. She stated that since the prior restaurant in this space closed a number of years ago, the City frequently receives inquiries about when a new restaurant will open in the space. She confirmed that the City Code currently prohibits outdoor speakers at restaurants. She stated that limited parking is available in the on site garage and on both Laurel and Western Avenues. She noted that in 2003, the developer was required to convert what was then parallel parking on Western and Laurel Avenues to diagonal parking to add to the number of spaces available in the area. She added that ample off site parking is available for employees and valet parking on the east side of the railroad tracks, south of Woodland Road, about a block and a half away. She stated that hours of operation can be limited through conditions of a Special Use Permit but noted that City liquor licenses allow alcohol to be served indoors or outdoors until midnight. She acknowledged that Mr. Wood, a neighboring resident, provided a summary of posted operating hours for other restaurants in the community and in surrounding towns. She noted that permitted hours and operating hours vary adding that operating hours may change seasonally and in response to demand. She stated that a condition of approval for the previous restaurant at this site, The Grille on Laurel, required the patio to close by 10 p.m. She noted that the patio at Kuro Bistro, on the southwest corner of Western Avenue and Woodland Road, is required to close no later than 11 p.m. She noted that the patio that will be used by Duffer's, in an interior courtyard, is required to close no later than 30 minutes after the close of the business. She noted that in recent years, particularly during the pandemic, the City Council has encouraged staff to provide greater flexibility for restaurants and businesses overall. She suggested that patios at different types of restaurants, at different locations, may warrant different hours. She noted that in the case of Sophia Steak, the patio is oriented to Western Avenue and the railroad tracks. She stated that the staff

report includes findings in support of the petition and recommendations for conditions of approval.

In response to questions from Chairman Dixon, Ms. Czerniak confirmed that the staff report recommends a 10:30 p.m. closing time for the patio Sunday through Thursday, and an 11:30 p.m. closing time for the patio on Friday and Saturday. She noted that clean up of the patio must be completed by the closing time. She confirmed that the Code specifically prohibits outdoor speakers at restaurants. She acknowledged that the Commission could recommend to the City Council that the Code provision be reconsidered but suggested that be done separate from consideration of the petition for Sophia Steak. She confirmed that the provision does not prohibit live music, only amplified music.

In response to questions from Commissioner Davie, Ms. Czerniak stated that at the time The Grille on Laurel was under consideration as the first restaurant in this area, outdoor sound was a significant concern and therefore was specifically prohibited in the Special Use Permit. She confirmed that if there is not a specific condition prohibiting outdoor speakers, and if the Code is amended to allow outdoor speakers and amplified sound, Sophia Steak could then install outdoor speakers. She acknowledged that there are currently restaurants in the Central Business District that have outdoor speakers. She stated that on this issue, staff enforces the Code in response to complaints adding that no complaints have been received.

In response to questions from Commissioner LaMontagne, Mr. Keefer confirmed that the patio hours as proposed in the staff report are acceptable.

In response to questions, Ms. Czerniak confirmed that City liquor licenses allow alcohol to be served until midnight unless hours are otherwise restricted by a Special Use Permit.

In response to questions from Commissioner Moorhead, Mr. Keefer explained that reservations will not be taken for seatings later than 9:30 p.m. He stated that the typical dining time is two hours. He stated that the restaurant does not want to chase people out the door. He clarified that if there are no customers dining, the bar will be closed so staff can be cut.

In response to questions from Commissioner Moorhead, Ms. Czerniak confirmed that Kuro Bistro requested and received approval of the later closing time for the patio.

In response to questions from Commissioner LaMontagne, Ms. Czerniak confirmed that the Special Use Permit for Kuro Bistro requires all activity on the patio, including clean up, to be completed by 11 p.m. She confirmed that operating hours fluctuate at the discretion of the business.

In response to questions from Commissioner LaMontagne, Mr. Keefer stated that at the Wilmette location, on Friday and Saturday nights, there may be 50 to 60 diners in the

restaurant at 11 p.m. He stated that most often those diners could not get reservations earlier. He stated that by 11:30 p.m., the restaurant is most often cleared out.

In response to questions from Commissioner Moorhead, Mr. Keefer stated that the anticipated maximum capacity at the Lake Forest location is 150 indoors and 80 outdoors.

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

Richard Wood, 1032 N. Western Avenue, stated that he is speaking on behalf of the Regent's Row Condominium Association. He stated support for the restaurant acknowledging that it is a high quality operation. He stated that the condominium residents have two major issues, hours and noise. He noted that the proposed patio is much larger than the patio at Kuro Bistro and stated concern about the noise that will be generated from that area. He noted that he and others in the Regent's Row development have invested significantly in their properties. He stated that the development consists of 10, four story units with outdoor living space on the top floor, facing the restaurant site. He stated that he spends a significant amount of time outside and noted that he was not permitted to install outdoor speakers. He stated that background music is acceptable as long as it ends by 9 p.m. He stated that the master bedrooms are on the top floor and will be impacted by noise from the patio. He stated that he reviewed the posted closing times for various restaurants and did not find any that had hours as late as 11:30 p.m. He stated that diners should be off the patio by 10:30 p.m. at the latest to avoid disturbing the neighbors' peace and quiet. He stated that odors from restaurants will become a growing issue in the next five to ten years and referenced a study he read about emissions from restaurants harming the environment. He stated that he and other neighbors met with a representative of Sophia Steak and were assured that state of the art ventilation equipment will be used. He said the neighbors have to take the Sophia Steak representative at their word and file complaints if they smell odors. He suggested modifications to the conditions as recommended by staff reducing the hours of permitted activity on the patio.

Hearing no further requests from the public to speak and hearing no further questions from the Commission, Chairman Dixon invited final comments from Mr. Keefer.

Mr. Keefer explained that most restaurants list the closing time of the kitchen on the website, not the time that people are asked to leave.

In response to a question from Commissioner LaMontagne, Mr. Keefer stated that the desire is to have small speakers outdoors on the patio to energize the space with background music. He stated that there will not be live music and stated that the music can be turned off by 9 p.m.

Chairman Dixon closed the public hearing. He noted that the operators of the proposed restaurant have been successfully operating restaurants in the Chicago area and surrounding suburbs for the last 40 years. He pointed out that there have been restaurants on the proposed site on and off over the last 20 years. He acknowledged the letters received from residents in Regents Row development and stated that the issues raised including hours of operation, noise, odors, parking and lighting, appear to have been acknowledged and addressed by the petitioner.

Commissioner LaMontagne thanked the petitioners for choosing Lake Forest. He noted that it is difficult to open a new restaurant, especially during the pandemic. He stated that the petitioner has been clear that they intend to be a good neighbor. He stated that he is confident that through work with the City, the petitioner will address the neighbors' concerns related to odors and parking. He suggested consideration of a closing time for the patio of 10:30 p.m., rather than 11:30 p.m. He stated that the Plan Commission has not in the past contradicted the Code by recommending that outdoor speakers be allowed but acknowledged the desire to avoid conversations being overheard from table to table. He suggested that some compromise might be appropriate such as allowing non-amplified music or using white noise. He stated that he is interested in hearing the thoughts of the other Commissioners.

Commissioner Pickus thanked the petitioner for having patience with the process and for the willingness to come to Lake Forest. He stated that there may be a way to find a happy medium with respect to outdoor music despite what the Code says. He suggested sound tests could be conducted to verify that the music is indistinguishable from conversations and a cut off time could be established. He stated that he is sympathetic to the petitioner wanting to take late reservations and offer an extended dining experience. He stated that in his opinion, closing the patio at 10:30 p.m. is a little early. He stated that an 11 p.m. closing is reasonable. He stated that addressing odors is difficult and subjective. He stated support for the condition as recommended by staff pertaining to odors.

Commissioner Moorhead stated that if the Code is clear that outdoor speakers and amplified music are not permitted at restaurants, in his opinion, it is not appropriate to allow outdoor speakers in this case. He noted that although the petitioner noted that the patio will seat 80 people, there appears to be 104 seats based on the site plan. He stated support for allowing activity on the patio until 11 p.m., consistent with the permitted hours for the patio at the Kuro Bistro.

Commissioner Pasquesi stated that he would like to see some way to allow the petitioner to provide background music. He stated confidence that the parking is adequately addressed. He stated support for the patio hours as requested by the petitioner and as recommended by staff. He noted that Lake Forest is trying to encourage more restaurants adding that patios are only used seasonally. He noted that the residents of Regents' Row moved in after The Grille on Laurel restaurant was approved and were aware of the proximity to commercial uses.

Commissioner Davie thanked the petitioner and the neighbors for the information provided and for the thoughtful testimony. He agreed with Commissioner Pasquesi's comments about the need for the City to encourage a vibrant business district. He stated that he is inclined to support the recommendation in the staff report.

In response to a question from Commissioner Davie, Ms. Czerniak stated that the nuisance section of the City Code prohibits "unreasonable" noise. She added that this provision is enforced by the Police Department. She stated that this provision is separate from the prohibition of outdoor speakers at restaurants which is in the Zoning Chapter of the Code. She stated that if the Special Use Permit is silent on outdoor speakers, then the language in the Code prevails.

Commissioner Davie stated support for forwarding a recommendation to the City Council that the provision in the Code prohibiting outdoor speakers at restaurants be reconsidered. He stated that in his opinion, many of the concerns about Sophia Steak that were raised by the Regents' Row residents will be addressed. He stated support for the staff recommendation.

Commissioner LaMontagne stated support for recommending reconsideration of the Code provision. He added that after hearing Commissioner Pasquesi's comments, he supports an 11:30 p.m. closing time for the patio as requested by the petitioner.

Commissioner Pasquesi clarified that the established hours are not a requirement noting that if there is not the business to support the later hours, the restaurant will close. He stated that his intention is to allow the restaurant to stay open in response to business to support the restaurant's success.

Chairman Dixon noted that in the Midwest, the time for outdoor seating is limited, maybe 40 days on and off. He stated that heat lamps will not be effective when it is raining or snowing. He noted that on hot summer nights, people may not want to sit outside, and nearby residents will have their windows closed. He stated that he appreciates the comments from neighboring residents but noted that the comments need to be balanced with the successful track record of the petitioner. He acknowledged that not every scenario can be envisioned at the outset but noted that establishing obstacles to success is not a good approach.

Commissioner Moorhead stated that the neighbors have a right to enjoy their property and should not need to close windows as a result of the patio operating until 11:30 p.m. He stated that is a late hour, especially in Lake Forest. He stated support for an 11 p.m. closing time for the patio.

Chairman Dixon noted that a restaurant at this location is not a new use. He stated that there appears to be a consensus that a recommendation should be forwarded to the City Council for reconsideration of the prohibition on outdoor speakers at restaurants. Hearing no further he invited a motion.

Commissioner Davie made a motion to recommend approval of a Special Use Permit for Sophia Steak to the City Council subject to the following conditions. He noted that the condition relating to outdoor speakers as recommended by staff is not included in the motion.

He stated that the motion also includes a recommendation to the Council to direct staff and the Plan Commission to review the current provision in the Code that prohibits outdoor speakers and amplified music at restaurants.

1. No employee parking is permitted on public streets.
2. No parking is permitted on private driveways or private property without prior written permission from the property owner(s).
3. No customer parking is permitted on Laurel Avenue, west of the commercial building.
4. Use of and activity on the patio in any form is not permitted after 10:30 p.m. Sunday through Thursday and after 11:30 p.m. on Friday and Saturday evenings. Clean up activity must be completed within the permitted times noted above.
5. If determined to be necessary, at the sole discretion of the City, Sophia Steak Lake Forest shall offer valet parking. City owned remote parking lots located on the east side of the railroad tracks, south of Woodland Road, are available for use for valet parking.
6. Exterior lighting, signage and awnings proposed for the site shall be subject to City review and if not in full compliance with Code requirements and City guidelines, will be referred to the Building Review Board. The light source for all exterior lighting shall be shielded from view from off the property and only essential security lighting is permitted to remain on after operating hours.
7. A high quality air filter/hood system is required and must be maintained on a regular basis. A maintenance schedule for the exhaust and filter system of the restaurant must be submitted and approved by the City prior to the issuance of an Occupancy Permit for the restaurant.

The motion was seconded by Commissioner LaMontagne and was approved by a 5 to 1 vote with Commissioner Moorhead voting nay.

**4. Public Hearing and Action: Skin care Center
Consideration of a request for a recommendation in support of a Special Use Permit to allow a medical office, The Skin Care Center, to occupy first floor**

tenant space at 225 E. Deerpath, in an existing building on the southeast corner of Deerpath and Oakwood Avenue.

Property Owner: Matthew Tarshis, Frontline Real Estate Partners, as Court Appointed Receiver

Business Owner: The Skin Care Center, Dermatologists of Central States, Cincinnati, Ohio (100%) (Katy Eldridge, Vice President, Integration & Operations)

**Representatives: Nick Standiford/Tyler Manic- Attorneys at Schain, Banks, Kenny & Schwartz, Ltd.
Katy Eldridge, Vice President, Integration and Operations at Dermatologists of Central States (DOCS)**

Chairman Dixon introduced the agenda item and asked the Commission for any conflicts of interest or Ex Parte contacts.

Ms. Eldridge stated that the Skin Care Center has been a part of the Lake Forest community for 25 years and is currently located on the Northwestern Lake Forest Hospital Campus. He reviewed an outline of the presentation.

Mr. Standiford stated that he is the attorney representing the petitioner.

Ms. Eldridge explained that The Skin Care Center's lease is expiring and is not being renewed by the hospital. She stated that the practice and lead physician, Dr. Berk want to remain in the Lake Forest community. She noted that there are not many spaces available that meet the needs of the practice and stated that the prominent site across the street from City Hall is the preferred location. She stated the intent to make the new location a long term home for the practice. She stated that the practice is a combination of dermatology, cosmetics, some surgery and retail sales. She stated that patients currently travel to Glenview to get some services but with the expanded space, additional services will be offered in Lake Forest. She reviewed the makeup of the staff. She stated that the practice did \$133,700 retail sales last year including the sale of creams, lotions, sunscreen and cosmetics. She stated that as the pandemic recedes, they expect retail sales to rebound a bit and to be boosted further by the increased visibility of the business with frontage on both Deerpath and Oakwood Avenue. She reviewed an updated site plan noting that some minor changes were made from the plan included in the Commission's packet. She noted that the plan includes exam rooms, waiting rooms, staff work rooms, processing rooms and restrooms. She noted the location of the main entrance at the corner of Deerpath and Oakwood Avenue noting that there will be a single public entrance to allow it to be monitored. She stated that there is also a rear entrance, near the elevator, that will be used by staff and physicians. She stated that the intention is to sign a long term lease and to make a significant capital investment in the site. She stated that the business will have five dedicated parking spaces under the building for physicians and some staff. She stated that other staff are already accustomed to parking in remote areas and know not to park in spaces intended for customers. She stated that this requirement will be part of

all employees' orientation. She stated that The Skin Care Center agrees to abide by the conditions contained in the staff report.

Mr. Standiford noted that parking will be handled in the same manner that it was handled for the previous non-retail occupants of the space, banks and a real estate office.

Ms. Eldridge acknowledged that the space has many windows along the street. She stated that she contacted the Deerpath Art League and is exploring some options for interesting window treatments. She stated that the window treatments will need to balance interest with patient privacy. She stated that the business signage will follow the existing signage standards on the building. She stated that The Skin Care is interested in continuing to be a community partner.

Chairman Dixon requested staff comments.

Ms. Czerniak stated that this petition is before the Commission because medical offices and clinic in first floor space require consideration through the Special Use Permit process. She stated that the site is not within the area covered by the non-retail rule, that is, it is not restricted to retail uses. She stated that the space was occupied by The Gap until about 20 years ago. She stated that the first non-retail use in the space was required to make a payment in lieu of on site parking because the space was being converted from retail to a non-retail use. She stated that payment, once made, covers future non-retail uses in the space. She stated that the proposed use is consistent with other uses in the building. She stated that a key will be that employees are not permitted to park on the street to reserve those spaces for customers. She noted that the City offers discounted parking permits to businesses in the Central Business District that can be passed along to employees. She noted that the windows are large and initially assumed a retail use in the space. She stated appreciation that the petitioner has reached out to a local not for profit to discuss opportunities for adding interest to the windows. She stated that the staff report includes a recommendation in support of the petition subject to conditions of approval.

In response to questions from Chairman Dixon, Ms. Eldridge stated that the underground garage is small and not welcoming to the public. She stated that there are about 12 to 15 spaces in the garage. She stated that patients will be able to park on the street and in the parking lots north of City Hall.

In response to questions from Chairman Dixon, Ms. Czerniak confirmed that a permit is required for signage. She stated that a signage plan was previously approved for the overall building. She stated that staff will work with the petitioner on window treatments in an effort to achieve a balance between providing some interest on the street and the need for patient privacy. She stated that depending on what is proposed, staff has the discretion to refer the proposal to the Building Review Board.

In response to questions from Commissioner Pasquesi, Ms. Czerniak confirmed that the first non-retail use was required to make a payment in lieu of on site parking which covered later non-retail uses.

In response to questions from Commissioner Moorhead, Mr. Standiford stated that the application was signed by the Receiver for the property. He stated that he has not received any information indicating that the property was sold. He stated if that is the case, he will provide updated information.

Commissioner LaMontagne stated that it will be important that the window treatment be carefully reviewed with the intent of activating the streetscape.

Chairman Dixon invited public comment. Hearing none he invited final questions and comments from the Commission. Hearing none, he closed the public hearing. He noted that the petitioner has run a successful business in the City for many years. He stated that other businesses in the Central Business District will benefit from patients and employees coming to the site. He asked that attention be paid to the signage and window treatment and if determined to be necessary by staff, referred to the Building Review Board. He invited a notion.

Commissioner LaMontagne made a motion to recommend approval of a Special Use Permit to allow The Skin Care Center to occupy first floor space at 225 E. Deerpath. He stated that the recommendation is subject to the following conditions of approval.

1. All employees shall park in the below grade parking garage under the building or in the City remote employee permit parking lots. Employees are prohibited from parking on the street and in time limited spaces in public parking lots. The Skin Care Center shall institute policies to enforce this condition and is responsible for enforcement.
2. Jockeying of cars in on street parking spaces on Deerpath, Oakwood Avenue or other streets in the Central Business District, or in time limited parking spaces in public lots, shall be considered a violation of this Special Use Permit.
3. All building and window signage and awnings shall be subject to City review and approval and the issuance of permits consistent with applicable Code requirements.
4. No exterior or interior alterations shall occur which limit or detract from the future re-use of this space for retail or restaurant uses.
5. Opportunities shall be explored for window treatments that help to create a pedestrian friendly streetscape. Community related photos or artwork should be considered along with coordination with local organizations like the Deerpath Art League and the History Center.

The motion was seconded by Commissioner Pasquesi and approved by a vote of 6 to 0.

5. Additional public comment on non-agenda items

There were no public comments on non-agenda items.

6. Additional information from staff.

There was no additional information from staff.

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

Respectfully submitted,

Catherine Czerniak
Director of Community Development