

The City of Lake Forest
Plan Commission
Proceedings of the August 10, 2022 Meeting

A meeting of the Lake Forest Plan Commission was held on Wednesday August 10, 2022, at 6:30 p.m.

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

Commissioners absent: Commissioners Stephen Douglass and Barrett Davie

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 meeting.

Approval of the minutes was postponed.

3. Consideration of a request for a Special Use Permit for a berm to be constructed at a height exceeding seven (7) feet in height at 934 Longwood Road, adjacent to the railroad tracks.

Property Owners: John and Margaret Burke

Representative: Tom Swarthout

Chairman Dixon asked the Commission for any conflicts of interest or Ex Parte contacts.

Commissioner Pickus stated that he is a nearby neighbor of the property and received a public notice. He stated that his wife submitted written comments on the petition. He stated that he is able to consider the matter impartially.

Hearing no objections from the Commission, Chairman Dixon swore in all those intending to speak on the petition.

Tom Swarthout stated that he is a contractor currently working with the petitioners on alterations to the home. He stated that the Burkes are out of town, but recently relocated back to Lake Forest. He stated that as updates to the home proceeded, he identified the opportunity to his clients to build a tall berm along the east side of the property, bordering the railroad tracks. He noted that with the various infrastructure projects that are underway in Lake Forest and in surrounding communities, there is a significant amount of dirt available and excavation contractors are anxious to get rid of it close to the job sites. He noted that the home faces north/northeast and stated that

a three season room was recently added on the north side of the house. He acknowledged that trees would need to be removed in order to construct the berm and noted that the petitioners are concerned about the removal of trees and had a tree survey done. He stated the tree survey revealed that most the trees to be removed are lower quality trees and with that information, the petitioners decided to pursue the berm project. He stated that in his opinion, the berm will benefit the City and neighbors, not just the petitioners. He stated that because the berm is proposed at approximately 14 feet, a Special Use Permit is required. He stated that berms up to seven feet can be constructed without a Special Use Permit. He stated that the first floor of the Burke home is level with the railroad tracks. He noted that many of the homes on Beverly Place, to the north, are quite deep because Western Avenue along the railroad tracks was vacated and added to those lots. He stated that the berm would be planted. He stated that if the Commission is supportive of the berm, the petitioners will direct that final engineering, drainage and grading plans be prepared.

Mike Bleck, Bleck Engineering, presented a 2020 aerial image of the property and surrounding area. He pointed out the locations of existing culverts which direct water from west to east, under the railroad tracks. He reviewed a topographical map noting that water moves across the petitioners' property to the east. He presented a concept plan of the proposed berm noting that a slope of two to one is proposed for the sides of the berm and a five to ten foot wide flat top is proposed to allow for plantings. He noted that the flat top of the berm will drain to the east, toward the railroad tracks with limited drainage to the north. He stated that the plantings will likely be comprised of native grasses with deep roots to absorb the water.

Mr. Swarthout acknowledged the neighbor's concern about sound bouncing off the berm he noted however that the railroad tracks are east of the berm and stated that any noise from the trains will bounce to the east, not toward the neighboring homes. He stated that the berm is proposed at 12 to 14 feet tall and will not reach the height of the top of a train given the elevated tracks. He stated that the berm will address a quality of life issue for the petitioners and will allow them to enjoy their backyard more fully.

Ms. Czerniak reviewed that a Special Use Permit is required because of the proposed height of the berm which is taller than seven feet at the highest point. She noted that berms elsewhere in the community were approved as part of more recent subdivisions along Route 60. She noted that several years ago a resident received approval of a Special Use Permit for a large berm along Route 41. She noted that the City Engineer has reviewed the preliminary plans and found the project to be reasonable. She stated that final engineering, drainage and grading plans will be subject to review and approval by the City Engineer.

In response to questions from Commissioners Lamontagne and Pasquesi, Ms. Czerniak confirmed that ideally, the berm will take advantage of the spoils from the City's Burr Oak storm sewer project but acknowledged that the timing may not work. She stated that the petitioners are aware of available dirt for the berm from other nearby locations.

In response to questions from Commissioner Pasquesi, Mr. Bleck stated that preparing final engineering plans will take about a week.

In response to questions from Chairman Dixon, Ms. Czerniak stated that the City Engineer is aware of the tight timeline and is prepared to expedite review of the plans. She stated that the City's Certified Arborist will review the tree survey and determine whether, given the species and condition of the trees to be removed, replacement tree inches will be required. She confirmed that the final engineering plans can be made available to interested neighbors.

In response to questions from Commissioner Pickus, Ms. Czerniak confirmed that publicly owned culverts under the railroad tracks are maintained by the City. She stated that the City's Water and Sewer Section employees will review the condition of the culverts as part of the review of the plans.

Mr. Bleck noted that he was able to inspect the south culvert and confirmed that it was clear. He stated that he was not able to inspect the north culvert.

In response to questions from Commissioner Lamontagne, Mr. Swarthout stated that the berm will not completely obscure views of the trains which are about 18 feet in height.

In response to questions from Commissioner Pickus, Mr. Bleck stated that the intent is to use a two to one slope. He stated that the topography slopes northeasterly toward the Pickus' backyard and the northern culvert. He stated that the difference between what is happening now and what will happen with the berm, is negligible. He reviewed the anticipated drainage pattern noting that there will be very little change. He stated that the berm is not impervious.

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

Sara Pickus, 979 Beverly Place, stated the entrance to her property is around the corner, on Beverly Place. She stated that her backyard is just two properties north of the proposed berm. She noted that after storms, the yard takes significant time to drain adding that they have been in their home for 20 years and have seen a great deal of rainwater drain on to the property. She stated that she does not want to see additional water draining on to the property. She noted concern about the significant number of trees proposed for removal. She stated that the existing trees provide a sight and sound buffer from the railroad tracks, a natural buffer. She stated opposition to cutting the trees down to construct a berm. She stated that her family's home is closer to the railroad tracks than most of the neighbors and there are not problems with excessive noise or children playing near the tracks. She stated that railroad tracks are part of Lake Forest.

In response to questions from Chairman Dixon, Mr. Swarthout stated that removing the buckthorn in the area of the proposed berm will improve the drainage to the east

noting that the area is swampy. He noted that the petitioners recently lost an Oak tree because of the swampy nature of the back yard. He added that improving the drainage will also help reduce the mosquitos in the area. He stated that the drainage to the north will not increase as a result of the berm. He noted that the petitioners are sensitive to not removing significant trees and determined that the trees that will be removed are not significant.

In response to questions from Chairman Dixon, Mr. Bleck agreed that consideration can be given to whether a swale at the north end of the berm would be beneficial and whether an additional culvert is needed.

Hearing no further requests from the public to speak, Chairman Dixon closed the public hearing.

Commissioner Pasquesi stated support for the Special Use Permit. He stated concern about drainage and the loss of significant trees but stated that he defers to the City Engineer and the City's Certified Arborist to verify that the plans meet applicable criteria. He stated support for the conditions as detailed in the staff report.

Commissioner Moorhead agreed with Commissioner Pasquesi's comments.

Commissioner Pickus stated about drainage adding that it is difficult to understand in detail what is planned without final engineering plans. He stated general agreement with Commissioner Pasquesi's comments with the understanding that the petitioner and City staff will assure that all proper due diligence is completed, that all applicable regulations are met, and that neighboring properties are not negatively impacted.

Commissioner LaMontagne agreed with the comments of the other Commissioners and stated support for the Special Use Permit subject to the conditions in the staff report. He stated that if replacement tree inches are required, trees should be planted on the property.

Chairman Dixon stated support for the petition acknowledging that there is much work yet to be done. He agreed that any replacement tree inches should be planted on the site rather than allowing a payment in lieu of planting. He stated that the petitioner and the project team appear to understand the sensitivity of drainage in the community. He stated that every effort should be made to improve upon the drainage conditions at the north end of the berm. Hearing no further comments from the Commission, he invited a motion.

Commissioner Moorhead made a motion to recommend approval of a Special Use Permit to allow a berm of up to 14 feet to be constructed along the east side of the property at 934 Longwood Drive subject to the conditions in the staff report. He stated that the recommendation is based on the findings as detailed in the staff report and added that the Commission's deliberations are incorporated as additional findings.

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

4. Additional public comment on non-agenda items

There was no public comment on non-agenda items.

5. Additional information from staff.

There was no additional information presented by staff.

The meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Catherine Czerniak
Director of Community Development