## Plan Commission Meeting – October 12, 2022 Agenda Item 3

# Faith Lutheran Church 680, 688 and 700 W. Deerpath

Amendment to Special Use Permit – Expansion of Church Campus Boundary Plat of Resubdivision

> Staff Report Vicinity Map Air Photos Zoning Map Current Special Use Permit

Materials Submitted by the Petitioners Applications Statement of Intent Original Plat of Subdivision – Westmoreland Acres Proposed Plat of Subdivision – Reconfigured Lots



## STAFF REPORT AND RECOMMENDATION

TO:	Chairman Dixon and members of the Plan Commission
DATE:	October 12, 2022
FROM:	Catherine J. Czerniak, Director of Community Development
SUBJECT:	Amendment to Special Use Permit and Associated Resubdivision
	Faith Lutheran Church

#### **PROPERTY OWNER**

### **PROPERTY LOCATION**

680, 688 and 700 W. Deerpath

ZONING DISTRICT **R-3** Single Family Residential

680 West Deerpath Road LLC 688 West Deerpath Road LLC 700 West Deerpath Road LLC North Shore Lutheran Ministry, Inc., Managing member of each LLC Joel Minster, President, 3667 Leonard Wood E, Highland Park, IL 60035 Virginia Coi, Vice President, 1285 Berkshire Lane, Grayslake, IL 60030 Allen Seidel, Secretary, 1696 Oak Knoll, Lake Forest, IL 60045 Ernest Kraemer, Treasurer, 785 Orchard Circle, Lake Forest, IL 60045

Representative: Michael Adelman, attorney

#### The Request

This is a request for a recommendation in support of an amendment to an existing Special Use Permit for the sole purpose of modifying the boundaries of the Faith Lutheran Church Campus to recognize the existing use of the three properties all currently owned by North Shore Lutheran Ministry, Inc. No change in use is proposed.

To properly document the proposed expanded boundaries of the Church Campus and the related reconfiguration of the adjoining properties a plat of resubdivision is presented as part of this request.

#### **Description of Property and Background**

Three contiguous properties are included in this request as noted above, 680, 688, and 700 W. Deerpath.

- > The 680 W. Deerpath property is fully developed and used for Church purposes, the Church building including a preschool, a playground and a parking area.
- > The 688 W. Deerpath property is also used for Church purposes. The residence has historically served as the Parsonage for the Church. The driveway entrance to the Church is located on the eastern portion of the property and the majority of the parking lot for the Church is located in the rear yard of the property.
- > The 700 W. Deerpath was acquired by the Church in 2001. This property is developed with a single family residence and depending upon the need, has been used as housing for Church personnel or as a private rental. The rear yard of this property is used as open space periodically for Church related activities. There are no improvements in the rear yard, and none are planned.

The Faith Lutheran Church Campus fronts on the north side of Deerpath and is located west of the off ramp from southbound Route 41. A strip of City owned land, the former right-of-way for Westmoreland Road, separates the Church property from Route 41. A pedestrian/bicycle path is located on the City owned parcel extending south from Deerpath.

To the north, the Church property is adjacent to The Lake Forest Club property, near the tennis courts. Through a private agreement between Faith Lutheran Church and The Lake Forest Club, a small portion of a limited number of parking spaces along the south edge of the Church property encroaches on to the Club's property. The City is not party to this agreement.

To the west of the Church Campus, and west of the 700 W. Deerpath property, is a residential property, 720 W. Deerpath, which is developed with a single family home and owned by the hospital as a rental property. Further to the west is open space which is also in the ownership of the hospital and the entrance to the Northwestern Medicine Lake Forest Hospital Campus from Deerpath.

### Past Approvals

As noted in the petitioner's statement, Faith Lutheran Church has operated as an approved Special Use since the City first granted a Special Use Permit in 1980. Based on City records, the Church was established at this location prior to the designation of churches, in residential districts, as Special Uses. Based on information available in the City files, Faith Lutheran Church has existed at this location since the mid-1950's.

In 1980, Faith Lutheran Church requested approval to expand the existing facility by adding an office, classrooms and an expanded parking area. The City granted the requested Special Use Permit to allow expansion of the Church facilities and parking area. The Special Use Permit recognized the Church at that time as a pre-existing use on both the 680 and 688 W. Deerpath properties.

In 1989, Faith Lutheran Church requested approval of an amendment to the Special Use Permit granted in 1980 to allow the addition of a Sanctuary to the south side of the Church building. The requested amendment was granted by the City.

In 1999, Faith Lutheran Church requested approval of an amendment to the Special Use Permit granted in 1989 to allow a preschool to be established in the existing Church building and to allow construction of a playground on the east side of the Church. The requested amendment was granted. This Special Use Permit is included in the Commission's packet since it is the current controlling document.

## **Staff Analysis**

Importantly, in all three approvals noted above, the 680 and 688 properties were recognized as part of a consolidated campus despite the fact that they remain today as separate parcels. As noted above, the third property, 700 W. Deerpath was more recently acquired by the Church.

Unlike the three requests noted above, the current request **does not propose any change to the facilities or hardscape on the Church Campus** but instead, seeks to formalize the use areas over the three properties as they exist today. The proposed amendment and resubdivision will lay the groundwork if in the future, the Church no longer has need for one or both of the single family residences. If the plat of resubdivision is approved, the existing homes will be located on smaller, legally platted lots and could be sold off as individual lots. If in the future changes in the facilities, hardscape or use of the Church Campus are proposed, an amendment to the Special Use Permit would again need to be considered through the public hearing process, with proper notice. The current request does not authorize any improvements or changes to the Church Campus.

The proposed resubdivision is intended to reflect current use of the properties. The 688 and 700 W. Deerpath properties are each developed today with modest homes. The homes as they exist today, on the reconfigured lots as proposed, will remain in conformance with the limitations of the City's Building Scale regulations (building square footage limitations) and with the required zoning setbacks except for the non-conforming conditions that exist today on the 688 W. Deerpath property. The 688 W. Deerpath residence as it exists today, encroaches into the front and west side yard setbacks. These encroachments are *not* the result of the proposed subdivision.

The proposed resubdivision will reduce the sizes of both the 688 and 700 W. Deerpath properties below the 40,000 square foot minimum lot size required in the R-3 zoning district. Neither lot meets the minimum lot size in their current form, but the lot sizes would be further reduced limiting the potential for future expansion of the homes. Any future request for variances to allow expansion of the homes or redevelopment of the properties with new homes would likely face a high threshold because the need for a variance would have been created by actions of the property owner that is, the reduction in lot sizes as now proposed.

The resubdivision as proposed and the reduction in the size of the two residential parcels will not be perceptible from the streetscape or from anywhere else off of the property.

### **Public Notice**

Public notice of this request was published in a newspaper of local circulation. Notice of the Commission's public hearing was mailed to surrounding property owners. The petitioner also mailed notice of the petition to surrounding property owners. The agenda for the meeting was posted at various public locations and on the City's website. As of the date of this writing, no correspondence has been received on this petition.

## Findings in Support of the Request

The following findings are offered in support of the request for a Special Use Permit to expand the boundaries of the Church Campus and the plat of resubdivision.

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 continued use of the property as a Church Campus will not be detrimental to the health, safety, morals or general welfare of the community. No new or expanded uses are proposed. The Church has operated at this location since the mid-1950's without incident.

<u>Special Use Permit Criteria #2</u>: 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 Church Campus is located in a unique area and is separated from established residential neighborhoods by roads, a private club, the hospital campus, railroad tracks, and the Deer Path Golf Course. A single residential property is located immediately west of the three parcels owned by the Church adjacent to the entrance to the hospital campus and is owned by the hospital.

Recognizing the current use of the Church owned properties by reconfiguring the Church Campus through approval of an amended Special Use Permit and by reconfiguring the two adjacent residential properties to also reflect current uses will not cause harm to other residential properties in the area. The rear portion of the 700 W. Deerpath property will remain as open area for Church use and will visually appear as a rear yard. Any future proposal to pave or develop all or a portion of the yard area would require consideration of a further amendment to the Faith Lutheran Church's Special Use Permit through a public hearing process.

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 amendment will not impede the ability of adjacent properties to redevelop or be further improved.

This property is not in a 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.

Special Use Permit Criteria #5: Adequate utilities, access roads, drainage and or necessary facilities have been or are being provided.

All necessary infrastructure and utilities are currently provided to the site and are adequate. No additional development or redevelopment is proposed on the Campus.

Special Use Permit Criteria #6: Adequate measures have been or will be taken to provide ingress and egress.

Existing roads will continue to provide sufficient access to the site. No change in use or in the intensity of use of the Church Campus or the single family homes is proposed.

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.

The property will continue to conform to all regulations of the R-3 zoning district except as provided for in the Special Use Permit.

\*\*\*\*

Lot 2 (688 W. Deerpath) and Lot 3 (720 W. Deerpath) on the proposed Plat of Resubdivision are non-conforming to the 40,000 square foot minimum lot size in the R-3 zoning district. Both of these parcels as they exist today are non-conforming to the minimum lot size. No new non-conforming condition will be created.

The width of Lot 2 (688 W. Deerpath) is reduced from 125 feet to 93 feet on the plat of resubdivision. This shift places the driveway entrance to the Church as it exists today fully on the Church Campus property instead of on the residential property. The minimum lot width in the R-3 zoning district is 125 feet. However, given the fact that the driveway in its present location exists today and was approved as part of the original Special Use Permit approved in 1980, functionally and visually, the width of the 688 W. Deerpath property was reduced decades ago.

## Staff Recommendation

Based on the findings detailed above, recommend approval to the City Council of:

- 1. An amendment to the Special Use Permit for Faith Lutheran Church to allow an expansion of the Church Campus boundary to reflect existing uses. No new uses or changes to the facilities on the Campus are authorized as part of this approval.
- 2. The plat of resubdivision to reconfigure the properties addressed as 680, 688, and 700 W. Deerpath consistent with the amended Special Use Permit, consolidating additional land area into the Church Campus and reducing the size of the 688 and 700 W. Deerpath properties.









#### The City of Lake Forest An Ordinance

## Granting a Special Use Permit for Property Located at 680 W. Deerpath - Faith Lutheran Church

WHEREAS, Faith Lutheran Church has filed a petition for property located at 680 W. Deerpath legally described as follows:

Lots 12 and 13 in Westmoreland acres, being a subdivision of parts of Sections 31 and 32, Township 44 North, Range 12, East of the Third Principal Meridian, according to the plat thereof, recorded September 26, 1952, as document No. 770286, in book 1132 of records, Page 63, in Lake County, Illinois

WHEREAS, Faith Lutheran Church, has petitioned for an amendment to an existing Special Use Permit in accordance with the regulations of Section 46-24 of the Lake Forest Zoning Code to allow a preschool to be established in the existing church facilities and the authorize the construction of a playground and an expanded parking lot and;

WHEREAS, on April 7, 1980, the City Council approved a Special Use Permit for Faith Lutheran Church that recognized the existing use of the property for a church since the 1950's and authorized the addition of an office, classroom area and an expansion of the parking area and;

WHEREAS, on July 31, 1989 the City Council approved an amendment to the Special Use Permit to allow the addition of a sanctuary and;

WHEREAS, the Zoning Board of Appeals of The City of Lake Forest held a public hearing on July 26, 1999 to review the petition for an amendment to the existing Special Use Permit as provided by law, and submitted to the City Council a report of its findings, a copy of which is attached hereto and made a part hereof as Exhibit A, recommending the enactment of an ordinance granting the requested amendment to an Special Use Permit and;

WHEREAS, the City Council concurs with the findings of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LAKE FOREST, ILLINOIS:

Section 1: An amendment to an existing Special Use Permit, as required by Section 46-24 of the Lake Forest Zoning Code, is hereby granted to allow a preschool to be established in the existing church facilities and to authorize construction of a playground and expanded parking area in accordance with the site plan attached as Exhibit C subject to the conditions as set forth in the attached Exhibit B.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval.

Passed this 2<sup>mb</sup> day of August 1999

Burbera S. Douglas City Clerk

Approved this 2 day of August Mayor

ATTEST:

Bubera S. Dauglas

City Clerk

Attachments:

Exhibits A,B,C

#### EXHIBIT A FINDINGS - - 680 W. Deerpath

- 1. The proposed establishment of a preschool at Faith Lutheran Church and the associated playground will not negatively impact the general public and will serve a need in the community.
- 2. The proposed use and improvements to the site will not be injurious to the use and enjoyment of other properties in the immediate vicinity particularly if a site obscuring fence is erected along the west property line to mitigate the impact of the additional parking on the neighboring property owner.
- 3. No evidence has been submitted that the proposed amendment to the Special Use Permit will diminish values of the surrounding properties.
- 4. The surrounding properties are developed, the changes on the site will not impede the orderly re-development or improvement of surrounding properties.
- 5. The required utilities, roads and drainage are already in place to serve the site.
- 6. No changes will be made to the ingress and egress to the Church driveway off of Deerpath.
- 7. No changes are proposed to ingress and egress to the overall site.
- 8. The special use will conform to the applicable regulations of the R-3 District except as modified by the City Council.
- 9. This Special Use Permit does not address the private agreement between Faith Lutheran Church and the Lake Forest Club which allows the encroachment of the existing church parking spaces on to the Lake Forest Club property.

#### EXHIBIT B Conditions of Approval - - 360 W. Deerpath

- 1. A 6 foot high sight obscuring fence shall be erected on the west property line for the full length of the existing and new parking lot.
- 2. The new parking area shall maintain the same setback from the west property lines as the existing parking lots.
- 3. The final site plan shall be reviewed by the City Forester to ensure preservation, to the extent possible, of the Spruce trees located to the north of the parsonage and the tree located along the south fence line of the play ground.

ordfaith

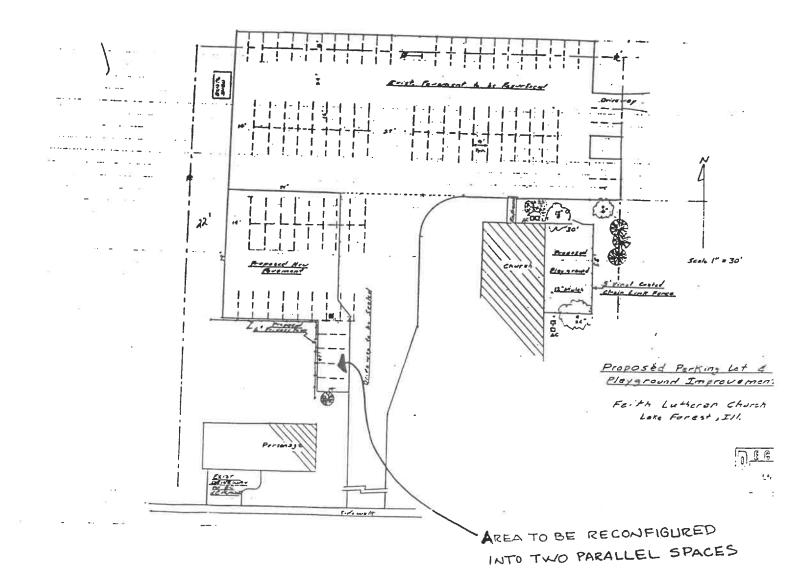


EXHIBIT C



Property Address: 680-688-700 W. Deerpath Road Zoning District: R-3

Existing Use: Faith Lutheran Church and two residential structures on 3 lots

Proposed Use/Change to Facility: <u>There is no proposed change of use</u>. <u>There is a</u> <u>proposed change of property boundary lines</u>, or a resubdivision/reconfiguration of the 3 <u>lots</u>.

Property Owner(s)

Name: 680 West Deerpath Road, LLC 688 West Deerpath Road, LLC 700 West Deerpath Road, LLC

> North Shore Lutheran Ministry, Inc. Managing Member of each LLC

Address: c/o Faith Lutheran Church

Attention: Joel Minster

Work Phone: <u>847-926-4511</u>

680 W. Deerpath Road, Lake Forest, IL Email: Joel@Minster.us

Cell Phone: 847-254-4128

Relationship to Property Owner:

	Relationship to Prope	erty
	Owner/Attorney/Repr	esentative)
BENEFICIAL INTERESTS	LLC – Limited Liability Companies	(see exhibit A)

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.

	North Bhore Edeneral	·
<u>SIGNATURES</u>	Øwwer Joel Minster its President	Date
	Owner	Date
	Applicant	Date



## THE CITY OF LAKE FOREST APPLICATION FOR RESUBDIVISION – TENTATIVE AND FINAL

LOCATION OF PROPERTY680-688-700 W. Dec	erpath Road	ZONING DISTRICT R-3		
ACREAGE OF PROPERTY	66 acres (115,758 SF)			
VACANT DEVELOPED		# OF STRUCTURES _3		
# OF BUILDABLE LOTS EXIST	NG 🔼 🛛 F			
NAME OF PREVIOUS SUBDIVI	SION Westmoreland A	Acres Subdivision		
APPLICANT Name North Shore Lutheran Minist Address 680 W. Deerpath Road Lake Forest, IL 60045 Phone Joel Minster 847-926-4511	ry, Inc. 680 Name_68 70 Address_ Lake Fo	<b>RTY OWNER</b> (if different from applicant) 0 W. Deerpath Road, LLC 8 W. Deerpath Road, LLC 0 W. Deerpath Road, LLC 680 W. Deerpath Road rest, IL 60045		
E-mail_Joel@Minster.us Relationship to Property_sole Memb (Owner/Attorney/Representative/Contract Purcha	E-mail er of each LLC holding	Joel Minster 847-926-4511 Joel@Minster.us title to each property		
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 Subdivision process and criteria. I understand that this matter will be scheduled for a public hearing when a determination has been made that this application packet is complete and accurate. North Shore Lutheran Ministry, Inc. SIGNATURE Owner Joel Minster, its President Date				
	Owner	Date		
	Applicant	Date		

## APPLICANT'S REPRESENTATIVES

ARCHITECT	N/A	ATTORNEY	Michael R. Adelman
FIRM		FIRM	Attorney at Law
ADDRESS		ADDRESS	1190 W Old Mill Road
			Lake Forest, IL 60045
PHONE		PHONE	847-615-0210
			MRAdelman@comcast.net
ENGINEER	Thomas J. Cesal	BUILDER	N/A
FIRM	Morris Engineering, Inc.	FIRM	P
ADDRESS	515 Warrenville Road	ADDRESS	
	Lisle, IL 60532		
PHONE	630-271-0770	PHONE	
THOME	Website: www.ECivil.com		
SURVEYOR	same as engineer	LANDSCAPE	e arch <sup>N/A</sup>
FIRM		FIRM	
ADDRESS		ADDRESS	
ADDRE33		ADDREOG	
		PHONE	
PHONE		FIGNE	9
ARBORIST	N/A	OTHER	N/A
FIRM		FIRM	
ADDRESS		ADDRESS	
PHONE		PHONE	

EXHIBIT "A"

## North Shore Lutheran Ministries, Inc. an Illinois 501C3 Not-For-Profit Corporation

Please list the names and addresses of all officers and directors of the Corporation and all shareholders who own individually or beneficially 5% or more of the outstanding stock of the corporation. In addition, this application must be accompanied by a resolution of the Corporation authorizing the execution and submittal of this application.

NAME	Faith Lutheran Church		NAME	
ADDRESS	680 W. Deerpath Road		ADDRESS	
	Lake Forest, IL 60045			
Membershi OWNERSHI	p/ P PERCENTAGE100.00	%	OWNERSHIP PERCENTAGE	%
NAME			NAME	
ADDRESS			ADDRESS	
OWNERSHI	P PERCENTAGE	%	OWNERSHIP PERCENTAGE	%
NAME			NAME	
ADDRESS			ADDRESS	
	P PERCENTAGE		OWNERSHIP PERCENTAGE	
NAME			NAME	
ADDRESS			ADDRESS	
	P PERCENTAGE		OWNERSHIP PERCENTAGE	%

NORTH SHORE LUTHERAN MINISTRY, INC. An Illinois 501C3 Not-For-Profit Corporation Sole Member is Faith Lutheran Church 680 W. Deerpath Road, Lake Forest, IL 60045

## **Board of Directors**

Joel Minster, President, 3667 Leonard Wood E, Highland Park IL 60035
Virginia Coi, Vice President, 1285 Berkshire Lane, Grayslake, IL 60030
Allen Seidel, Secretary, 1696 Oak Knoll, Lake Forest, IL 60045
Ernest Kraemer, Treasurer, 785 W Orchard Circle, Lake Forest, IL 60045

# MICHAEL R. ADELMAN

## ATTORNEY AT LAW

1190 W. OLD MILL ROAD, LAKE FOREST, ILLINOIS 60045-3714 TEL: 847-615-0210 FAX: 847-574-5974 EMAIL: <u>MRAdelman@comcast.net</u>

September 1, 2022

Lake Forest Plan Commission c/o Ms. Catherine Czerniak Director of Community Development City of Lake Forest 800 N. Field Drive Lake Forest, IL 60045

RE: Three (3) Lots R-3 Zoned Re-Subdivision Application Faith Lutheran Church 680-688-700 W. Deerpath Road Owners – Faith Lutheran Church or entities controlled by same

Dear Cathy and Plan Commission Members:

This Statement of Intent is submitted in conjunction with and is an integral component of the above-captioned owner's Plan Commission Application for approval of a 3-lot R-3 zoned residential Re-Subdivision under the City's ordinances, Chapter 156, §156.026. In conjunction with the re-subdivision request the petitioner is also requesting an amendment to its existing Special Use Permit ("SUP"). Please include this letter with the Staff Report for Plan Commission deliberation.

#### The Owners/Applicant

This petition involves three (3) existing contiguous properties. Ownership of the subject properties is held by three (3) separate Illinois limited liability companies, each of which LLCs has the same identical Managing Member, namely North Shore Lutheran Ministry, Inc. North Shore Lutheran Ministry is an Illinois 501C3 Not-For-Profit Corporation having as its sole member Faith Lutheran Church. The Corporation has a board comprised of four (4) Directors. The 3 existing properties are as follows:

#### **CURRENTLY:**

- (1) PIN 12-32-102-015-0000 680 W Deerpath Road, LLC 40,758 SF Lot 13 The church buildings and 40% of the parking lot are situated on Lot 13.
- (2) PIN 12-32-102-007-0000 688 W Deerpath Road, LLC 37,500 SF Lot 12 The Parsonage, driveway accessing the Church parking lot, and 60% of the parking lot are situated on lot 12.

Lake Forest Plan Commission c/o Ms. Catherine Czerniak, Director of Community Development, City of Lake Forest September 1, 2022 Page 2 of 5

(3) PIN 12-32-102-006-0000 700 W Deerpath Road, LLC 37,500 SF Lot 11 The second residence purchased by the Church in 2001.

TOTAL 115,758 SF

#### **REQUESTED:**

- (1) PIN (to be determined) 680 W Deerpath Road, LLC 82,701 SF Lot 1 The church buildings, driveway, grass rear yard open space and 100% of the parking lot.
- (2) PIN (to be determined) 688 W Deerpath Road, LLC 11,307 SF Lot 2 The Parsonage with smaller rear yard appropriately scaled.
- (3) PIN (to be determined) 700 W Deerpath Road, LLC 21,750 SF Lot 3 The second residence acquired in 2001 with smaller rear yard appropriately scaled.

TOTAL 115,758 SF

#### **History of the Property**

Faith Lutheran Church (the "Church") has been situated at 680 W. Deerpath Road since approximately 1955. The Church buildings per se are situated upon Lot 13 in the Westmoreland Acres Subdivision at the northwest corner of Deerpath Road and Skokie Highway, just east of the re-aligned Westmoreland Road access to the new Northwestern Memorial Lake Forest Hospital campus. The Parsonage along with a majority (60%) portion of the accessory parking is located on Lot 12 in the Westmoreland Acres Subdivision at 688 W. Deerpath Road. In 2001 the Church additionally acquired the single family residence at 700 W. Deerpath on Lot 11 in the Westmoreland Acres Subdivision. Immediately to the north is the Lake Forest Club (bath and racquets).

Use of R-3 Residential property as a church is a permitted Special Use under Lake Forest code. Faith Lutheran Church has been granted an SUP for the property on three occasions to date:

On <u>April 7, 1980</u>, the City Council approved an SUP for the Church to recognize that the Church existed since the 1950's and to authorize the addition of an office and classroom area and a new parking area.

On July 31, 1989, the City Council approved an amendment to the prior SUP that was approved in 1980. The amendment allowed the construction of a sanctuary addition.

On <u>August 2, 1999</u>, the City Council approved an additional amendment to the SUPs which were approved in 1980 and 1989. The 1999 amendment allowed a preschool to be established in the existing Church facilities and to authorize construction of a playground and expanded parking plan.

Lake Forest Plan Commission c/o Ms. Catherine Czerniak, Director of Community Development, City of Lake Forest September 1, 2022 Page 3 of 5

Over the past two plus decades, the Church has utilized the two residential buildings for the purpose of a parsonage (688) and (700). The 700 residence has also been rented out to private tenants periodically. The rear yard land north of the 700 residential building has been well utilized by the Church for various outdoor Church activities on a seasonal basis.

It is the intention of the Church to retain the 700 residence rear yard as green open space for seasonal enjoyment by congregation members.

#### **Present Request**

The Church is requesting that the City approve either an Administrative property line shift between the three (3) existing parcels, or a Plan Commission approved re-subdivision of the aggregate properties into three (3) newly configured platted lots, more accurately reflecting the actual utilization of the property.

The northerly most portions of the rear yards of the two residential parcels would become part of the Church's lot, and the two residences would remain situated on smaller lots more compatible in scale and stature with those residences. Importantly, such would more practically facilitate the potential future sale of any of the three parcels/lots should the Church ever have the need to do so.

The property is zoned R-3 Residential. Accordingly, both residences/parsonages are already legal non-conforming lots because they each only contain 37,500 square feet of land area and R-3 zoning requires a minimum of 40,000 square feet. Therefore, the lot line reconfiguration or re-subdivision being requested *will not* create any (additional) non-conforming lots.

#### New Lot 1 - 680 W. Deerpath Road

Faith Lutheran Church would remain situated on a newly configured Lot 1 (680 W. Deerpath Road) and be increased in land area from 40,758 SF to 82,701 SF by virtue of adding portions of the northerly most rear yards of the two residences west of the church at 688 and 700 W. Deerpath Road. A 32' width of land would be taken from the east side yard of the 688 Parsonage immediately to the west, which width of land presently underlies the Church's main driveway. Such would preclude the need for creating easements should the properties ever be sold separately. Lot 1 would end up containing land area approximating 2 acres.

#### New Lot 2 - 688 W. Deerpath Road

The existing 2-story frame residence currently sits on a lot having 37,500 SF of land area. The new Lot 2 would be comprised of a reduced 11,307 SF of land area remaining on the southerly most portion of the existing lot due to the giving of its rear yard and east side yard (parking and the Church driveway) to the Church on Lot 1.

Lake Forest Plan Commission c/o Ms. Catherine Czerniak, Director of Community Development, City of Lake Forest September 1, 2022 Page 4 of 5

The existing frontage of 688 along Deerpath Road is 125' which would be reduced by 32' at the east side of the lot thereby resituating the Church's main driveway upon Lot 1.

Under the Lake Forest Building Scale Ordinance, the new Lot 2 would qualify for a maximum floor area of 2,883 SF.

The residence currently contains approximately 2,040 SF of interior floor area, 529 SF of garage area, and 181 SF (125 SF and 56 SF) of open front and rear porch areas, respectively.

Consequently, the residence would remain below the maximum floor area permitted under the Building Scale Ordinance.

#### New Lot 3 - 700 W. Deerpath Road

The existing 1-story frame residence currently sits on a lot having 37,500 SF of land area. The new Lot 3 would be reduced to 21,750 SF of land area remaining on the southerly most portion of the existing lot due to the giving of its rear yard (grass open space) to the Church.

Under the Lake Forest Building Scale Ordinance, the new Lot 3 would qualify for a maximum floor area of 4,088 SF.

The residence contains approximately 2,444 SF of interior floor area, 462 SF of garage area, and 144 SF of open front porch area.

Consequently, the residence would remain well below the maximum floor area under the Building Scale Ordinance.

#### **Plat of Subdivision**

The proposed Plat of Subdivision was originally designed in February of 2020 by Morris Engineering, Inc. of Lisle, Illinois, finalized this past month, and is included in the submitted materials.

#### **Special Use Permit Criteria**

An analysis of the Special Use Permit criteria is not presented here because (1) SUPs were previous issued in 1980, 1989 and 1999, and (2) there will be no change in the actual use of the subject properties and no physical changes to any of the improvements. It is fair to presume that the criteria were met under the prior 3 SUPs granted. The only changes requested are property line shifts which will be virtually invisible to the naked eye and have no impact on the immediate surrounding area, the community at large, or any of the SUP criteria. The status quo will effectively be maintained.

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#### **Conclusion**

The requested property line shifts or re-subdivision would accomplish the following:

- 1. The new lot underlying the Church would approximate 2 acres (twice its existing land area), would resituate the main driveway upon the Church's lot by removing it from the adjacent parsonage lot, would "convey" paved parking (60%) and grass open space to the Church, and would more accurately reflect the actual utilization of all three (3) land parcels.
- 2. The two residences would remain on 2 new lots and remain in conformance with the City's Building Scale Ordinance. The revised land areas would be more appropriately scaled for the respective improvements presently situated thereon.
- 3. The requested approval, if granted, would facilitate an easier disposition of each of the three properties should the Church one day find the need or reason to dispose of same.

We look forward to working with you and commencing the public hearing process.

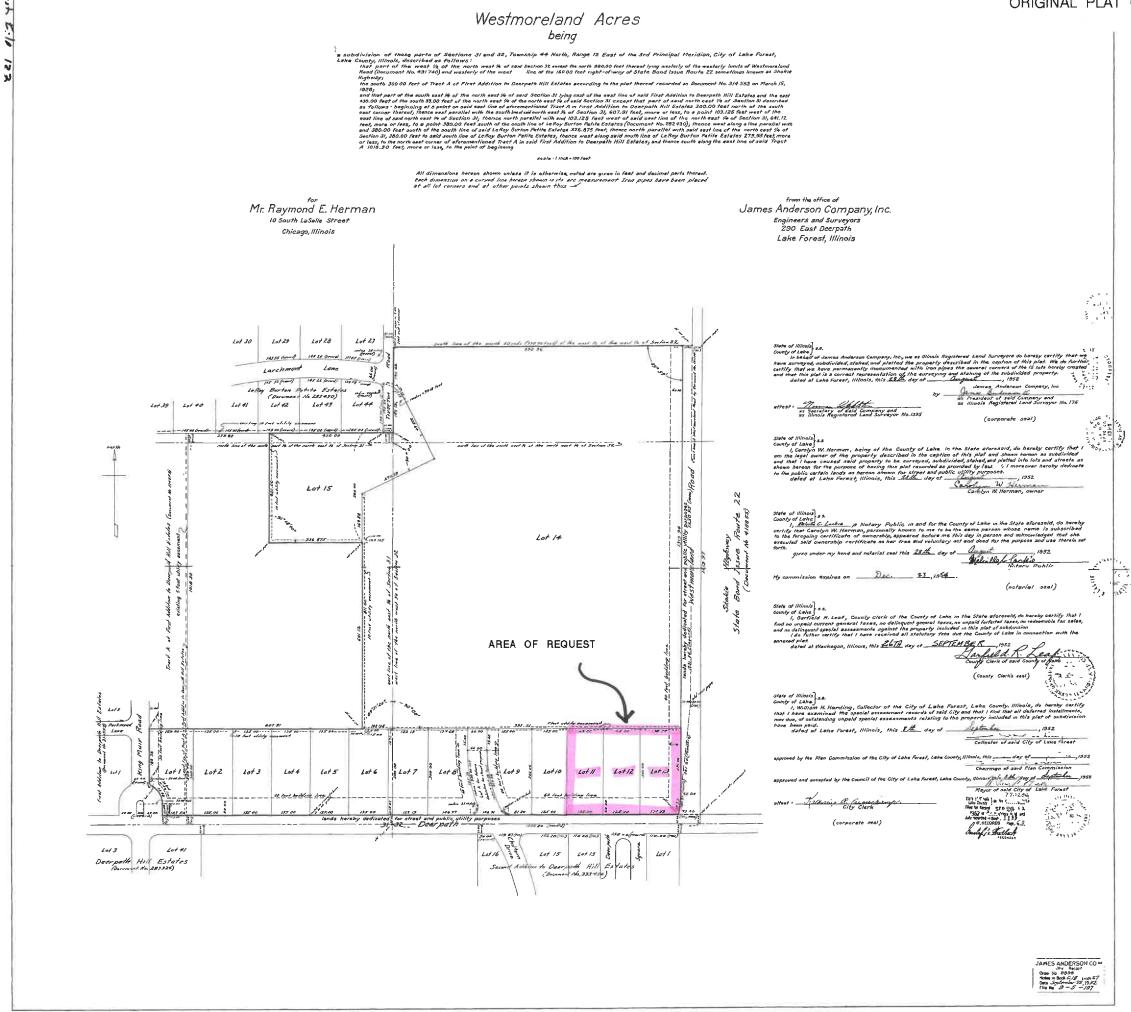
Very truly yours,

Wichard R. Adelman

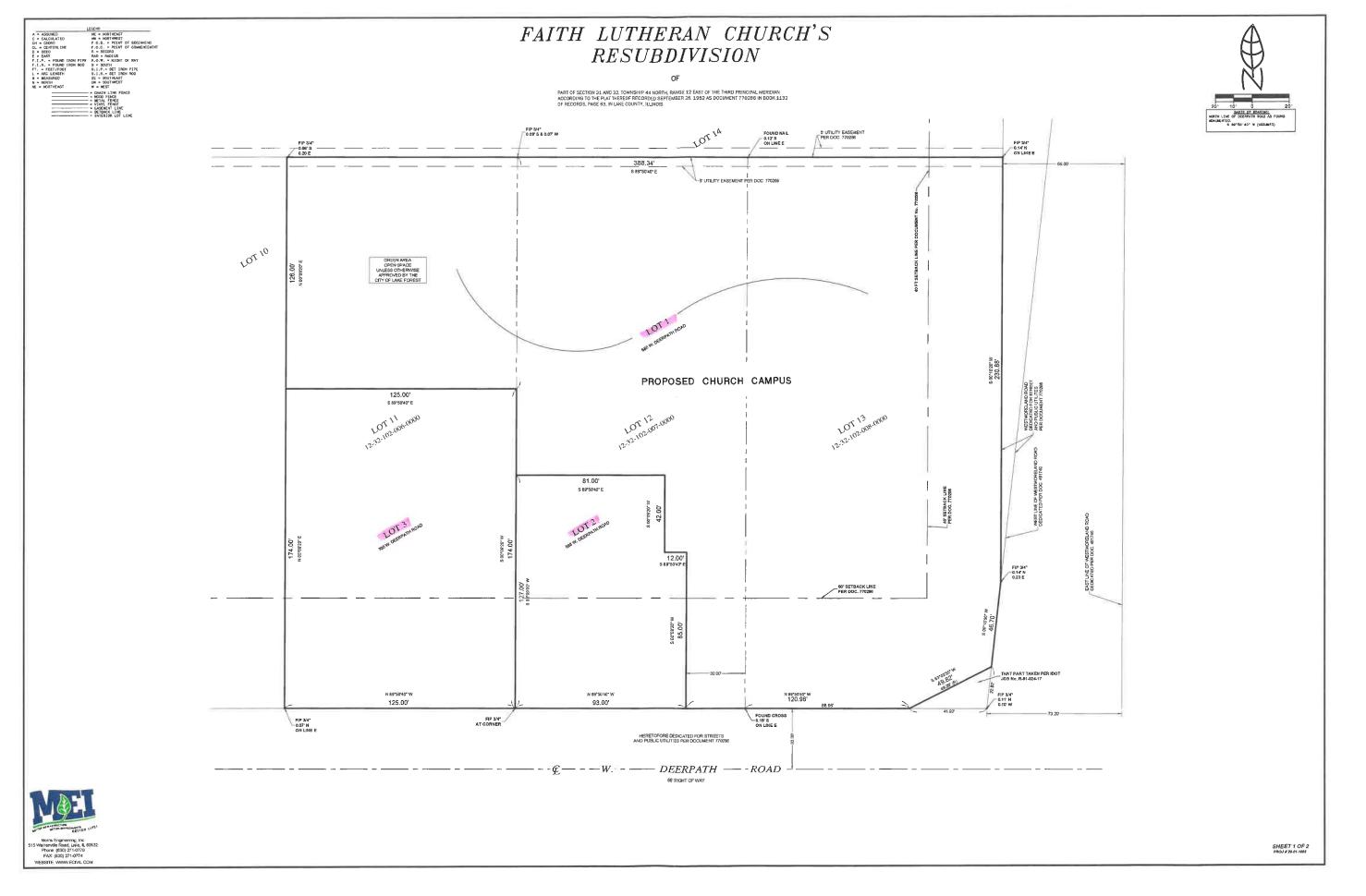
Michael R. Adelman

tbm/MRA

Exhibits Attached



S. h F.IA 133



## PROPOSED LOT CONFIGURATION

Plan Commission Meeting – October 12, 2022 Agenda Item 4

Outdoor Speakers at Restaurants Preliminary Consideration of a Potential Code Amendment

> Staff Memorandum Background Information – Decibels of Common Sounds

Plan Commission Packet October 12, 2022



## Memorandum

TO:	Chairman Dixon and Members of the Plan Commission		
FROM:	Reagan Walsh, Management Analyst Catherine Czerniak, Director of Community Development		
DATE:	October 12, 2022		
SUBJECT:	Preliminary Consideration: Potential Amendments to Code Language Pertaining to Outdoor Speakers at Restaurants		

At the May 11, 2022 meeting, the Plan Commission forwarded a recommendation to the City Council in support of reconsidering the current prohibition of outdoor speakers at restaurants. This recommendation followed the Commission's consideration of a request for a Special Use Permit for Sophia Steak, a new restaurant proposed within 150 feet of a residential zoning district. Sophia Steak representatives requested, as part of the Special Use Permit, approval to install outdoor speakers to provide subtle background music on the patio. The Commission acknowledged that since outdoor speakers are specifically prohibited in the performance standards for restaurants in the City Code, approving speakers as part of a Special Use Permit was not appropriate. The relevant Code provision which specifically pertains to restaurants, is provided below:

Section 159.111(C)(2)(f)

"No loud speakers or amplification of sound are permitted outside the building."

The Commission cited several reasons for recommending review of the Code provision.

- > Outdoor dining has become a major component of restaurant business particularly since the start of the pandemic.
- Low volume background music as described by the representatives of Sophia Steak is reasonable and an accommodation that should be given further consideration by the City.
- Several restaurants in the community have installed outdoor speakers without approval or permits. The prohibition has not been consistently enforced since the onset of the pandemic.

The City Council accepted the Commission's recommendation for review of the Code provision prohibiting outdoor speakers as one of the performance standards for restaurants and directed staff to conduct research and bring this matter before the Plan Commission for discussion and if determined to be appropriate, a public hearing to consider an amendment to the Code.

No action is requested at this time. Background information is presented along with options for next steps for consideration by the Commission. If so directed by the Commission, staff will prepare a draft amendment to the Code for consideration by the Commission at a properly noticed future public hearing.

## Summary of Staff Research

General noise regulations limiting excessive noise are commonplace, but not universal, in municipal codes although the definition of noise, enforcement procedures, and limitations on noise generated by specific uses vary. In the City of Lake Forest, noise generally, from a Public Health, Safety and Decency perspective, is addressed outside of the Zoning Code chapter of the City Code, in the Offenses Chapter. This chapter is enforced by the Police Department. The relevant provision pertaining to noise generally reads as follows:

## Section 135.108(A)(2) Noise; Generally

"It shall further be unlawful to cause or make unreasonable loud noise at any point on or beyond the boundary of any lot, whether privately owned or public, which such unreasonable noise interferes with the quiet enjoyment of adjoining lots or lots within 1,000 feet of the location from which the noise is emanating."

The general noise provisions in the Code **are not** under the purview of the Plan Commission. The question presented to the Commission is whether the language in the Code that specifically prohibits loud speakers at restaurants should be amended.

As the Commission is aware, restaurants are a permitted use in each of the four business districts as long as they are located more than 150 feet away from any residential zoning district. Restaurants that are permitted outright by the Code must still go through an administrative review and are evaluated against the performance standards for restaurants detailed in the Code. One of those standards as noted above, prohibits outdoor speakers and outdoor amplified sound at restaurants.

## Review of Code Provisions in Other Communities

To gain further insight on the topic, Code provisions relating to noise from various communities were reviewed by staff. Some broad conclusions from the staff research are offered below.

- Many municipalities, but not all, have specific regulations pertaining to outdoor speakers or amplification of outdoor noise generally.
- Municipal Codes reviewed do not specifically address outdoor speakers at restaurants.
- In most communities, it appears that outdoor speakers at restaurants are permitted within reason.
- Municipalities commonly use "reasonableness" as a standard for evaluating noise.
- Municipalities that regulate outdoor noise levels do so through various means:
  - o Limiting decibels generally or at specific distances.
  - o Prohibiting noise at levels heard off the subject property.
  - o Establishing limitations based on zoning districts or uses.
  - o Limiting noise by time of day/night

## Code Provisions - Noise Generally

The municipalities listed below regulate noise generally and, with the exception of Lake Forest, staff did not find provisions that apply specifically to outdoor dining areas of restaurants.

Municipality	Decibel Limits	Sound Measured at Property Line	Property Line	Varies by Zoning District/Use	Varies by Day / Night
	No	rthshore Comp	arable Communi	ties	
Lake Forest	N	Y	Y	N	N
Deerfield	N	Y	N	N	Y
Northfield	N	Y	Nï	N	Y
Glencoe	N	Yiii	Yiv	N	Y
Glenview	Y	N≚	N <sup>vi</sup>	Y	Ν
Highland Park	Y	Y	N⊻ii	Y	Y
Lake Bluff	Y	Y	N⊻iii	Y	Ν
Libertyville	Y	Nix	N	Y	Y
Waukegan	Y	Y	N×	Y	Y
Wilmette	Y	N×i	N	Y	Y
	Na	tionwide Comp	arable Commun	ities	
Atherton, CT	Y	N×ii	Y	N	Y
Charleston, SC	N	Y	Y	Ν	Y
Greenwich, CT	Y	Y	Y	Y	Y
Rye, NY	Y	N×iii	N×iv	N	Ν

## Code Provisions Specific to Outdoor Speakers/Music

The five municipalities below specifically regulate outdoor speakers and music with limitations. The most common limitation is an imposed decibel limit. Four of the five municipalities impose a decibel limit, with two cities further limiting noise by district and time of day.

Municipality	Outdoor Speakers & Music Allowed	Use of Decibel Limit	Sound Variances by District and Time of Day
Lake Forest	N	N	N
Fox Lake	Y	Ϋ́хν	Ν
Mundelein	Y	Yxvi	Ν
Richmond	Y	Yxvii	Yxviii
Wauconda	Y	Yxix	Υ××
Winthrop Harbor	Y	N <sup>xxi</sup>	N

## Technology Note

While reliable decibel sound level meters can be found online for under \$30, now with modern technology, smartphones can also measure decibels.

Information explaining decibels as they relate to commonly heard sounds is attached to this memorandum as additional background.

## Recent Input

Since the opening of Sophia Steak, a couple weeks ago, staff have been contacted by several residents who live in the apartment building on the north side of Laurel Avenue about outdoor music. The neighboring residents noted that speakers were operating on the patio, at a volume loud enough to be heard with their windows closed, as late a 10 p.m. The patio did not appear to be in use. To date, the City has not approved or issued permits for outdoor speakers at Sophia Steak and based on follow up inspections, the speakers have not been observed to be in use.

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As noted above, no action is requested from the Commission at this time. The options below are offered as food for thought, a starting point for the Commission's discussion. Commission direction is requested.

## **Options for Commission Consideration**

- 1. No change Allow the current prohibition on loudspeakers and amplification of sound outside restaurants to remain as a Performance Standard for restaurants in all business zoning districts.
- 2. Remove the current prohibition on loudspeakers and amplification of sound in dining areas outside of restaurants and rely on the broad nuisance noise regulation to control, relying on the "no unreasonable loud noise" standard.
- 3. Retain the prohibition on loudspeakers and amplification of sound outside restaurants for all restaurants within 150 feet of a residential zoning district and remove the restriction for all other restaurants.
- 4. Allow restaurants within 150' of a residential district to request approval of loudspeakers and amplification of sound outdoors through the Special Use Permit which is already required for restaurants in these locations. (Restaurants already authorized by a Special Use Permit would be required to request an amendment to the current permit.)
- 5. Remove the current prohibition on loudspeakers and amplification of sound in dining areas outside of restaurants and impost a decibel limitation at the

property line or at some distance beyond the property line. Decibel levels could vary depending on the location of the restaurant in relation to nearby residences or residential zoning districts.

<sup>&</sup>lt;sup>i</sup> Noise cannot be plainly audible at a distance of fifty feet (50') from the location. Any noise over 85 decibels measured at property line is considered excessive and prohibited.

<sup>&</sup>lt;sup>ii</sup> Any noise audible one hundred feet (100') from the lot line is considered excessive and prohibited, or generated noise at the lot line above sound bands listed

<sup>&</sup>lt;sup>iii</sup> Distance based (1,000 feet from such boundary at any time), 150 ft. during night hours.

iv No noise from operations of any use in the business districts shall be detectable at any point off the zoning lot on which the use is located.

<sup>&</sup>lt;sup>v</sup> Distance based (50 feet from such boundary at any time)

vi Sounds levels past the boundary lot cannot exceed decibel band levels defined. Cannot be audible past 50 feet.

vii Sounds levels past the boundary lot cannot exceed decibel band levels defined.

viii Sounds levels past the boundary lot cannot exceed decibel band levels defined.

ix Sounds level measured at any point within the receiving area.

<sup>\*</sup> Sounds levels past the boundary lot cannot exceed decibel band levels defined.

xi Sound band that cannot exceed on another property, indicating measurement on the receiving lot.

xii Sound level measurements shall be made at any location on the receiving property

<sup>&</sup>lt;sup>xiii</sup> Point at which the intensity of sound is to be measured shall be at a distance of 50 feet

<sup>&</sup>lt;sup>xiv</sup> Sounds levels past the boundary lot cannot exceed decibel band levels defined.

<sup>&</sup>lt;sup>xv</sup> Sounds emanating cannot exceed eighty (80) decibels as measured at the property line

xvi Sound kept to a reasonable level, measured around eighty-five dB at twenty-five feet away from the speakers

xvii Recorded music shall not be audible off the premises at decibel levels greater than normal background noise

xviii Sound bands defined by both district and day/night

 $<sup>^{\</sup>rm xix}$  Sound cannot exceed 65 decibels on the A weighting scale

xx Sound guidelines follow both a day/night and week/weekend scale

xxi Sound cannot be audible at any point 100 feet from the perimeter of the property line



# COMMON NOISE LEVELS - HOW LOUD IS TOO LOUD?

Continued exposure to noise above 70 dBA (adjusted decibels) over time will cause hearing loss. The volume (dBA) and the length of exposure to the sound will tell you how harmful the noise is. In general, the louder the noise, the less time required before hearing loss will occur.

If you must be exposed to noise, it is recommended that you limit the exposure time and/or wear hearing protection. A three dBA increase doubles the amount of noise, and halves the recommended amount of exposure time.

The following decibel levels of common noise sources are typical, but will vary. Noise levels above 140dBA can cause damage to hearing after just one exposure.

# POINTS OF REFERENCE MEASURED IN DECIBELS

- 0 The softest sound a person can hear with normal hearing
- 10 normal breathing
- 20 whispering at 5 feet
- 30 soft whisper
- 50 rainfall
- 60 normal conversation
- 110 shouting in ear
- 120 thunder

# COMMON NOISE LEVELS (DBA)

Do *your* daily activities put you at risk of noise-induced hearing loss? Check out the list below and see if action is needed to protect your hearing from noise. Repeat exposure to noise at a level of just 70 dBA can cause permanent hearing issues. What can you do? Avoid noisy environments. And on those occasions where you can't distance yourself from the noise source, use hearing protection. Noise-induced hearing loss is permanent, yet entirely preventable.

## Home

- 50 Refrigerator
- 50-60 Electric Toothbrush
- 50-75 Washing Machine
- 50-75 Air Conditioner
- 50-80 Electric Shaver
- 55 Coffee Percolator
- 55-70 Dishwasher
- 60 Sewing Machine
- 60-85 Vacuum Cleaner
- 60-95 Hair Dryer
- 65-80 Alarm Clock
- 70 TV Audio
- 70-80 Coffee Grinder
- 70-95 Garbage Disposal
- 75-85 Flush Toilet
- 80 Pop-Up Toaster
- 80 Doorbell
- 80 Ringing Telephone
- 80 Whistling Kettle
- 80-90 Food Mixer or Processor
- 80-90 Blender
- 110 Baby Crying
- 110 Squeaky Toy Held Close to Ear
- 135 Noisy Squeeze Toys

## Work

- 40 Quiet Office, Library
- 50 Large Office
- 65-95 Power Lawn Mower
- 80 Manual Machine, Tools
- 85 Handsaw
- 90 Tractor
- 90-115 Subway
- 95 Electric drill
- 100 Factory Machinery
- 100 Woodworking Class
- 105 Snow Blower
- 110 Power Saw
- 110 Leaf Blower
- 120-125 Chainsaw, Hammer On Nail
- 120 Pneumatic Drills, Heavy Machine
- 120 Jet Plane at Ramp
- 120 Ambulance Siren
- 130 Jackhammer, Power Drill
- 130 Air Raid
- 130 Percussion Section at Symphony
- 140 Airplane Taking Off
- 150 Jet Engine Taking Off
- 150 Artillery Fire at 500 Feet

## Recreation

- 40 Quiet Residential Area
- 70 Freeway Traffic
- 85 Heavy Traffic, Noisy Restaurant
- 90 Truck, Shouted Conversation
- 95-110 Motorcycle
- 100 Snowmobile
- 100 School Dance, Boom Box
- 110 Music Club, Disco
- 110 Busy Video Arcade
- 110 Symphony Concert
- 110 Car Horn
- 110-120 Rock Concert
- 112 Personal Music Player on High
- 117 Football Game Stadium
- 120 Band Concert
- 125 Auto Stereo
- 130 Stock Car Races
- 143 Bicycle Horn
- 150 Firecracker
- 156 Cap Gun
- 157 Balloon Pop
- 162 Fireworks
- 163 Rifle