

Plan Commission Meeting – November 9, 2022
Agenda Item 3

McKinley Road Multi-Family Development – Phase 3
715 McKinley Road, 361 Westminster

Consideration of Changes to Previous

Staff Report
Special Use Permit
Vicinity Map
Air Photo

Materials Submitted by the Petitioners
Statement of Intent

Planned Development Plat
Planned Development Site Plan
Site Plan Overlay
*Previous Condominium Building Footprint/
Currently Proposed Building Footprints (Condo and House)*
Site Plan – Enlargement of Phase 3 (as now proposed)
Roof Plan – Hardscape and Landscape
Landscape Plan – Phase 3 Overall

Elevations – Building 3 – Condominium
Elevations – Building 4 – Single Family Residence
Streetscape Image

Previous Plan for Reference (currently the subject of litigation)
Overall Site Plan (single building in Phase 3)
Site Plan – Phase 3 Enlargement
Site Plan – Phase 3 Enlargement

Correspondence



STAFF REPORT AND RECOMMENDATION
McKinley Road Multi-Family Planned Development – Phase 3 – Modified Plan

TO:	Chairman Dixon and Members of the Plan Commission
DATE:	November 9, 2022
FROM:	Catherine Czerniak, Director of Community Development
SUBJECT:	McKinley Road Redevelopment – Phase 3

Owners

City of Lake Forest
(361 Westminster) and
373 Westminster LLC
Todd Altounian 50%,
Peter Witmer 50%
(portion of 373 Westminster)

Property Location

715 McKinley Road
361 Westminster,
Located East of McKinley Road,
South of Westminster

Zoning

GR-3 General
Residence

Applicant/Developer

361 Westminster LLC
Todd Altounian 50%
Peter Witmer 50%
13310 W. Highway 176
Lake Bluff, IL 60044

Representatives

Gerald Callaghan, attorney, O'Donnell, Callaghan LLC
Peter Witmer, architect/owner

Description of Request

Consideration of changes to the Planned Development plat and site plan which are exhibits to the previously approved Special Use Permit for the third phase of the McKinley Road Multi-Family Planned Development and consideration of related changes to the Special Use Permit.

Introduction

This matter is before the Plan Commission for consideration in accordance with a Settlement Agreement approved by the City Council in a six to one vote on October 17, 2022. The Settlement Agreement between the City and the developer, 361 Westminster LLC, is the result of lengthy negotiations between the two parties. The negotiations were entered into at the direction of the City Council in an effort to explore options for resolving pending litigation. Importantly, the terms of the Settlement Agreement are not under the purview of the Plan Commission. However, the Settlement Agreement provides a process for Plan Commission consideration of a plat and site plan that reflect changes to the previously approved plan in response to comments and concerns raised about the plan that is currently the subject of litigation. The Plan Commission is charged with

reviewing the proposed changes at a public hearing and forwarding a recommendation to the City Council. The Settlement Agreement also provides a process for review of the changes by the Historic Preservation Commission. This will occur at a meeting scheduled for November 16, 2022. The architectural design, massing, detailing and exterior materials of the proposed buildings are under the purview of the Historic Preservation Commission.

On April 5, 2021, the City Council approved the zoning entitlements for the third phase of the Planned Development through a Special Use Permit. That approval remains in place today. Subsequent to that approval, the City Council denied an appeal of the Historic Preservation Commission's denial of a Certificate of Appropriateness for the project. Following the denial of the appeal, the developer filed a lawsuit against the City which is still pending today. The Settlement Agreement referenced above is an effort on the part of both parties to resolve the dispute at the local level, rather than allow development decisions that impact the future of Lake Forest to be left in the hands of the Court. To that end, the developer has offered changes to the previously approved plat and site plan for consideration through the standard City review processes. As noted above, the Plan Commission's charge is to consider and make a recommendation to the City Council on the modified plans. If approved, the revised plans will be incorporated into an amended Special Use Permit as revised exhibits, and the lawsuit will be dismissed.

Review of the Proposed "Settlement Plan"

A summary of the changes reflected on the current plan as well as acknowledgement of aspects of the plan that have not changed is provided below.

Changes

- Phase 3 of the Multi-Family Planned Development is now comprised of two buildings, instead of a single building.

As currently proposed, the overall Planned Development will be made up of a total of four buildings. Buildings one and two are existing condominium buildings that front on McKinley Road and are completed and occupied. Building three as now proposed is a six or seven unit, two story condominium building with a footprint of 10,748 square feet. The fourth building is proposed as a one and a half story single family home fronting on Westminster.

During the earlier public hearing process on this proposed development, concern was voiced about the presence of a condominium building on the Westminster frontage, at the entrance to the historic district, and adjacent to and across the street from existing single family residences. In direct response to that concern, a single family residence is now proposed as a fourth building in the Planned Development. The single family home is intended to provide a transition from the 333 E. Westminster condominium building and the adjacent single family home, to the stand alone single family homes on the north side of Westminster and to the east along the south side of Westminster.

- The overall building square footage of the third condominium has been reduced by 1,918 square feet from the previously approved plan.

The footprint of the condominium building as now proposed is smaller than previously approved. As currently proposed, the condominium building footprint is 10,748 square feet. As previously proposed, the third condominium building was 11,707 square feet. The total square footage of the

condominium as now proposed is 21,496 square feet in comparison to the previously approved building at 23,414 square feet.

- Total square footage in phase three.

The total square footage of the two buildings now proposed on the site is more than the square footage of the single building previously approved. Although detailed drawings of the proposed single family home have not yet been prepared pending a ruling on the modified site plans, the proposed house is approximately 3,500 square feet. As part of a unified multi-family planned development, there is no specific limitation on the building square footages.

- Total number of units.

The total number of units in the condominium building will be six or seven depending on buyer demand. With the single family home, the total number of units in phase three of the development will be reduced by one unit or will remain at eight units, the number of units proposed in the previously approved plan. No increase in the number of units is proposed.

- Building 3, the two story condominium building, is shifted to the south 56 feet further away from the Westminster streetscape at the closest point than the previously proposed condominium building.

The condominium building as now proposed is setback 104 to 121 feet from the property line along Westminster. The front yard setback on the east side of the property, approaching the neighboring single family homes, is greater due to the curving configuration of the street. In the previously approved plan, the condominium building was setback 48 to 62 feet at the closest points.

- The green space is shifted to the west and incorporates the 2,100 square foot out lot that was previously planned to be transferred to the Library. The out lot will be landscaped green space.

The overall size of the green space both at the north and south ends of the phase three parcel is reduced as a result of shifting the third condominium building to the south, away from the Westminster streetscape and to accommodate a single family home on the Westminster streetscape.

The 28' by 75' out lot that was previously identified as a parcel that would be transferred to the Library is also impacted by the present plan which focuses on pulling the third condominium building back from the Westminster streetscape and placing a house on the streetscape. Under the current plan, the existing north property line of the Library remains unchanged.

- Hardscape areas for roof top patios are limited and enhanced screening is provided.

Roof top patios remain consistent with those on buildings one and two. However, in response to concern about impacts on neighboring properties, the hardscape for the patios is centrally located on the condominium building, away from the building edges. Enhanced plantings are proposed at the perimeter of the building to further mitigate any off site impacts.

Roof top patios are permitted by the building and zoning codes and are found on various types of buildings throughout the community. Roof top patios are not considered an additional floor or story under the City's regulations. Unlike balconies which project from buildings above the first floor level and are highly visible from off site, roof top patios, furniture, and people using the spaces, are rarely visible from off of the site particularly if they are located in the center of buildings. An awning and landscaping may be visible.

The Lake Forest Police Department confirmed that to date, no complaints of any kind have been received pertaining to the roof top patios on buildings one and two of the McKinley Planned Development.

The roof top patios as proposed are not common space available for all building tenants. Each roof top space is owned by an individual owner of a unit on the top floor of the building. The patios are available and accessible only to that party and invited guests. The penthouses on the roof provide access to the privately owned roof top patios and also provide access for roof top mechanicals. Residential sized air conditioner units are located on the roof, below the parapet walls.

Aspects that Remain the Same

- The condominium building is a two story building stepping down from the two earlier buildings constructed as part of this development.
- The third condominium building is at a lower elevation than the first two condominium buildings due to the change in topography across the site.
- Below grade parking is provided under the condominium building for residents of the building along with limited guest parking.
- No change in the private road configuration is proposed.
- Extensive landscaping across the site is proposed consistent with the landscaping of the two earlier buildings. A two story building is more quickly screened by landscaping than a three story building.
- The architectural design of the condominium building remains unchanged. It relates to the first two buildings; but is refined to reflect less ornamentation as the development transitions from three stories to two stories, and from more intense development along McKinley Road to less intense development, single family homes to the north and east. Review of the architectural design will be conducted by the HPC.

Planned Development Plat

The Code allows for Planned Developments, that is, unified developments comprised of one or more of the following: multiple properties, multiple buildings, shared access, common elements, and limited common elements. Planned Development plats can establish unique setbacks, building footprints and easements of various types that vary from the requirements of the underlying zoning district.

Zoning Setbacks

The standard zoning setbacks that are applicable to the Phase 3 property which is located in the GR-3 zoning district are:

- Front yard setback – 40 feet
- Side yard setback - 6 feet

Rear yard setback – 35 feet

The setbacks proposed on the plat for Building 3, the condominium building, are:

Front yard setback – 104 feet (at the closest point)

Side yard setback – 15 feet (at the closest point)

Rear yard setback – 27 feet

The setbacks proposed on the plat for Building 4, the single family home are:

Front yard setback – 23 feet (at the closest point)

Side yard setback – 11 feet (at the closest point)

Rear yard setback – not applicable, buildings three and four are proposed on a single lot

Separation distance between buildings – 39 feet

Public Notice

Public notice of this hearing was published in a newspaper of local circulation and was mailed to residents and property owners in the surrounding area and other interested parties who expressed an interest in this development in the past. The agenda for this meeting was posted at various public locations and on the City's website. The Commission's packet is also available on the City's website.

Written correspondence received as of the date of this writing is included in the Commission's packet. Correspondence received after distribution of the packet will be provided to the Commission in advance of the meeting. To date, staff has received several calls regarding this petition.

Recommendation

The following findings are offered in support of the modified Planned Development plat and site plan and corresponding amendments to the Special Use Permit for the third phase of the McKinley Road Multi-Family Planned Development.

The establishment, maintenance or operation of the use shall not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

The proposed use in conjunction with the earlier phases of the development is consistent with a long term plan to transition uses in this area from office buildings to multi-family residential. The proposed buildings, three and four, comprise the final phase of the Planned Development and will add seven to eight residential units near other multi-family buildings and within walking distance to the Central Business District to support stores, restaurants and service businesses. The buildings will be constructed to current building and life safety codes and landscaping is planned to settle the final phase of the development into its surroundings: the Westminster streetscape, the adjacent single family neighborhood, the condominium buildings to the west, and the Library and Church of the Covenants to the south. The first two buildings in the development have proven to be in demand by those who want to live near the Central Business District and have added to the City's tax base.

The 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 or impair property values within the neighborhood.

The proposed development will provide certainty in a transition area that long has been an eyesore along the streetscape and from neighboring properties on all sides. Zoning setbacks as established by the Planned Development plat are generally consistent with the applicable setbacks in the GR-3 zoning district and with other development in the area. No documentation has been submitted to demonstrate that the proposed development will substantially diminish or impair property values. In fact, providing certainty around how the property will be developed will help to support property values in the surrounding area. The first two buildings in the development contribute positively to the City's tax base.

The use will not impede the orderly and normal development and improvement of surrounding properties. The use will not negatively affect or detract from the primary retail nature of the nearby business district.

Properties in the vicinity are for the most part developed. Ongoing repairs, restoration and enhancements to properties occur on an ongoing basis. There is no indication that development of phase three of the McKinley Road Planned Development will negatively impact continued investment in surrounding properties. The developers of this project plan to construct a new single family home on a vacant property immediately to the east. This property is not part of the current proposal but represents continued investment in the area. The additional residential units that will be offered with the buildout of the third and final phase of the McKinley Road Multi-Family Planned Development, within walking distance of shops and restaurants in the Central Business District, will support the continued vitality and success of the business district.

Architectural appearance and functional plan of the use shall not be incompatible with the surrounding area.

The condominium building generally replicates the two previously approved buildings in a two story mass, rather than three story mass. The one and a half story house is simple in design and intended to infill an existing gap in the streetscape with a residence that is compatible with the scale of other homes in the immediate area. The design aspects of both buildings, the exterior materials, and landscaping, will all be subject to review and approval by the Historic Preservation Commission.

Adequate utilities, access roads and drainage facilities are available or will be provided as part of the development.

Adequate utilities and public roads exist to serve the proposed development. A stormwater management plan, reflecting drainage and grading improvements, was previously developed and will be modified to reflect the changes now proposed if the current plan moves forward.

Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion on public streets.

Two access points to the overall development exist. No changes to the location of those access points are proposed or needed to accommodate the additional condominium and single family home.

Recommend approval of an amendment to the previously approved Special Use Permit to incorporate the modified Planned Development plat and site plan, including variances from

standard setbacks in the GR-3 district, as exhibits to the Special Use Permit and replacing the previously approved plans.

The Commission further recommends:

1. Continued cooperative efforts to underground the remaining overhead utility wires located off of, but near, the development site.
2. Consideration of ways to mitigate the impacts of construction on all of the surrounding neighbors including consideration of construction hours/days, timeline for completion of construction, construction staging, contractor parking, screening of staging areas, and other aspects as determined to be reasonable and workable by the City staff.

THE CITY OF LAKE FOREST
ORDINANCE NO. 2021 -016

**AN ORDINANCE GRANTING APPROVAL OF A PLANNED MULTI-FAMILY
DEVELOPMENT, PHASE THREE OF THE MCKINLEY ROAD REDEVELOPMENT, THROUGH
A SPECIAL USE PERMIT AND APPROVAL OF THE ASSOCIATED PLAT OF
CONSOLIDATION FOR THE DEVELOPMENT SITE LOCATED EAST OF MCKINLEY ROAD
AND SOUTH OF WESTMINSTER**

MCKINLEY ROAD PLANNED DEVELOPMENT – PHASE 3 CONDOMINIUM

WHEREAS, The City of Lake Forest ("**City**") is a special charter, home rule municipality existing in accordance with the Illinois Constitution of 1970; and

WHEREAS, pursuant to its home rule powers, Article 5, Section 4 of the City Charter, and various provisions of the Illinois Municipal Code, the City is empowered to formulate rules and regulations to protect the health, safety, and welfare of the City and its residents, including regulations regarding land uses and zoning; and

WHEREAS, pursuant to Section 159.045 (Special Uses), Section 159.047 (Planned Developments), Section 159.048 (Historic Residential and Open Space Preservation), and Chapter 156.029 Final Plat Approval of the Lake Forest Zoning Code ("**Zoning Code**"), the City has established provisions for Planned Multi-Family Developments to "provide a safe and desirable living environment characterized by a unified building and site development plan, to preserve natural features of the site, to provide adequate open space for passive recreation and other outdoor living purposes and to offer diverse housing within walking distance of restaurants, stores and services. " Said provisions authorize parcels in the General Residence and Office Districts meeting the established criteria to be developed

as a Planned Multi-Family Development, a type of planned development that allows for an architecturally unified development consisting of multiple buildings, shared roadways and common areas that may be constructed over time, in phases, subject to a determination by the City that specific criteria are satisfied; and

WHEREAS, the property proposed for development as the third phase of the McKinley Development is zoned GR-3 and is within the Historic Residential and Open Space Preservation District; and

WHEREAS, 361 Westminster LLC, ("**Developer**") is the contract purchaser of a portion of the property legally described in **Exhibit A-1** and commonly known as 361 E. Westminster and the owner of the adjacent 38 foot strip of land commonly known as the western portion of 373 E. Westminster legally described in **Exhibit A-2**; both Exhibits are attached hereto and by this reference made a part of this Ordinance and collectively ("**the Property**"); and

WHEREAS, the Developer, with the consent of the Owner, has presented a plan for the third phase of a planned multi-family development to the City as provided for in the regulations pertaining to Planned Multi-Family Developments which plan includes a site plan, landscape plan and plat of consolidation all as more fully described in Section 2 of this Ordinance (the "**Development Plan**"); and

WHEREAS, the Development Plan in various iterations each responding to public comment and direction from the Commission, was considered by the Plan Commission at a public hearing held over the course of six meetings the first of which was held in June, 2019; and

WHEREAS, on December 11, 2019, the Plan Commission voted 6 to 0 in support of a motion that found the plan as then presented, a three story building, to be in general compliance with the approved Master Plan for the area; and

WHEREAS, the plan as supported by the Plan Commission in December, 2019 was forwarded to the Historic Preservation Commission for review of the design aspects and after deliberation, the height of the building was determined to not provide an appropriate transition between the larger, more intense uses to the west, and the single family homes and historic district to the north and east; and

WHEREAS, in response, the Developer further reconfigured the building to a two story mass with a wider footprint at the north end; and

WHEREAS, on March 13, 2021, the Plan Commission concluded its review of the reconfigured Development Plan as now presented, closed the public hearing and voted 4 to 2 to recommend denial of the Development Plan to the City Council primarily based on concerns about the potential for a broad negative impact on the Local Historic District resulting from the zone change associated with the two story, wider building as well as concern about the appropriateness of the transition offered by the Development Plan from the existing developments to the east and west; and

WHEREAS, the Mayor and City Council of The City of Lake Forest having fully considered the Plan Commission's review and recommendation regarding the third phase of the Planned Multi-Family Development and the Development Plan; and having also considered the history of planning for this area; the decisions and

actions of previous Boards, Commissions and Councils; and previously approved plans, goals and applicable Code provisions; has determined that the Development Plan as now presented satisfies the criteria for a Planned Multi-Family Development and a Special Use Permit as detailed in the findings attached hereto and made a part hereof as **Exhibit B** and is in the best interest of the City and that its residents will be served by approving this Ordinance granting approval of the Planned Multi-Family Development, Special Use Permit and Plat of Consolidation, subject to the terms and conditions hereinafter set forth; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAKE FOREST, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION 1. Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth and represent the findings of the City Council.

SECTION 2. Approval of Development Plan and Plat of Consolidation. The Development Plan for the Property, consisting of the following documents:

- (a) That certain revised Site Plan prepared by Witmer & Associates consisting of one (1) sheet entitled "McKinley Road Development Phase 3 Site Plan" dated March 9, 2021, a copy of which is attached as **Exhibit C** to this Ordinance (the "**Site Plan**"); and
- (b) That certain Plat of Consolidation prepared by Bleck Engineering, consisting of one (1) sheet entitled "Plat of Consolidation" dated December 16, 2020, a copy of which is attached as **Exhibit D** to this Ordinance (the "**Plat of Consolidation**"); and
- (c) That certain Preliminary Landscape Plan prepared by Mariani Landscape, consisting of one (1) sheet entitled "Phase 3 Landscape Plan East Building" dated January 27, 2021, a copy of which is attached as **Exhibit E** to this Ordinance (the "**Preliminary Landscape Plan**"); and

is hereby approved pursuant to Sections 159.045, 159.047 and 159.048 of the Zoning Code, and the Plat of Consolidation is hereby approved pursuant to Section 156.029 of the City's Subdivision Code; provided, however, that such approvals shall be subject to the terms and conditions in Section 3 of this Ordinance and such modifications thereto which are determined by the City to be in substantially the same form as attached.

SECTION 3. Conditions on Planned Multi-Family Planned Development, Special

Use Permit and Plat Approvals. The approvals granted pursuant to Section 2 of this Ordinance shall be subject to the following conditions, restrictions, and limitations, and Developer's failure to abide by the provisions of this Section shall be grounds for the City, without public notice or hearing, to adopt an ordinance repealing this Ordinance and the approvals granted pursuant to Sections 159.045, 159.047 and 159.048 of the Zoning Code and Section 156.029 of the Subdivision Code:

- (a) No Authorization for Development Activity. The granting of these approvals shall not be deemed an authorization for the Developer to commence any development work on the Property, and no development work shall be permitted or otherwise authorized unless and until all necessary permits, authorizations, and approvals customarily required have been secured and all conditions of this Ordinance are met to the satisfaction of the City in its sole determination.
- (b) Recordation of the Plat. Prior to the recording of the Plat of Consolidation, the following conditions shall be met to the satisfaction of the City Engineer and Director of Community Development:
 - i. A Final Plat (the "**Record Final Plat**") shall be submitted that shall be subject to the review and approval of the City Engineer and Director of Community Development prior to recording with Lake County for determination of compliance with all applicable requirements. The Record Final Plat shall include without limitation notes and modifications

(all of which shall be in a form acceptable to the City) that address the following:

- The incorporation and organization of a Homeowners' Association, individually and as part of the Master Association for the overall Planned Multi-Family Development which association will be responsible for all ongoing maintenance of all private infrastructure including, but not limited to, all aspects of the storm sewer system including swales, the common and publicly accessible green space, sidewalks throughout the development, the east/west and north/south private roads and landscaping and all amenities. The plat (either by note or incorporation of a declaration of covenants for the Homeowners' Association) shall also grant and reserve to the City the right to enter on the property and conduct maintenance in the event that it determines that proper maintenance is not being performed, but only after providing the Association with an opportunity to take corrective action. The cost for any work performed by the City or performed under the City's direction, including overhead costs, will be assessed to the Association and shall be a lien on the entire Property, which lien shall have priority over any lien of the Association.
 - A note stating that the landscaping must be maintained in a form substantially consistent with the approved Final Landscape Plan in perpetuity, recognizing that if a particular species fails to thrive, with City approval, alternate species may be substituted if replanting is necessary.
 - Public access easements over the private roads, sidewalks and green space at the south end of the Phase 3 development site shall be noted on the plat.
- ii. All required financial guarantees (including guarantees for completion of the infrastructure, plantings, all other fees including, but not limited to City impact fees, connection fees and legal fees, shall be paid to the City with the exception of impact fees in support of Districts 67 and 115, which shall be paid directly to the School Districts prior to the issuance of building permits for each lot.
- (c) Commencement of Construction. Prior to commencement of any construction activity on the Property, the following conditions shall be met to the satisfaction of the City Engineer and Director of Community Development:
- i. Developer shall secure all necessary approvals from outside agencies, if applicable, and proof of such approvals reasonably satisfactory to the City Engineer shall be delivered to the City.

- ii. Developer shall secure approvals of the design aspects of the development including architectural design and details, exterior materials, exterior lighting, decorative elements and landscaping.
 - iii. Final Engineering Plans in conformance with the Site Plan and Landscape Plan as approved by this Ordinance subject to modification based upon final approvals by the City's Historic Preservation Commission, the conditions in this Ordinance, as well as all required final engineering related documents. Such modifications shall be submitted and will be subject to a determination by the City that all applicable requirements are satisfied.
 - iv. A staging, materials storage and construction vehicle parking plan in form and substance that is reasonably acceptable to the City Engineer and Director of Community Development shall be submitted for the purpose of minimizing congestion on public streets and impacts on neighboring properties. The plan shall reflect temporary fencing and landscape screening, interim drainage from the construction site and provide for off site contractor parking.
 - vi. A "**Final Landscape Plan**," drawn on the approved, final grading and drainage plan shall be submitted and shall be subject to review and approval by the City Arborist after verification that the plan complies with the following requirements.
 - o Substantial compliance with the "**Preliminary Landscape Plan**".
 - o Diversity in species, general use of native species, avoidance of a mono culture and no planting of invasive species.
- (d) During Construction. *For the duration of construction activity on the Property, the following conditions shall be met to the satisfaction of the City Engineer and Director of Community Development:*
- i. Construction traffic shall be prohibited from parking or staging on Westminster. All contracts for work on the Property shall stipulate the approved construction route as designated by the City Engineer.
 - ii. All construction staging areas and the construction site shall be enclosed with chain link fencing with affixed fabric during the entire construction process unless otherwise approved in writing by the City Engineer or Director of Community Development.
 - iii. All construction and development work shall be undertaken and completed in accordance with the Final Development Engineering

Plans and the Final Landscape Plan, the terms and provisions of this Ordinance, and all applicable requirements of law.

- v. Inch for inch replacement shall be required for trees removed from the Property consistent with the City Code.
- (e) Issuance of Building Permits. *Prior to the issuance of building permits the following condition shall be met to the satisfaction of the Director of Community Development.*
 - i. Documentation shall be presented to the City confirming payment of the applicable impact fees to School Districts 67 and 115 based on the proposed home to be constructed on the lot for which a building permit is sought.
- (f) General Conditions. *On an ongoing basis, the following conditions shall be met to the satisfaction of the City Engineer and Director of Community Development:*
 - i. After City approval of infrastructure improvements in the development, a three-year landscape maintenance guarantee period shall commence. The City Arborist shall conduct inspections twice a year, spring and fall, to verify compliance with the Final Landscape Plan. If so directed by the City, plant materials that are dead or failing to thrive shall be replaced consistent with the approved plan. If appropriate, additional plant material may be required to fill gaps or otherwise achieve the intent of the approved plan. As determined to be appropriate by the City Arborist, substitutions may be made in lieu of approved plant materials. Following such three-year period, the landscape guaranty security shall be returned to the Developer or designee, but the City shall have the ongoing right to periodically inspect the landscaping along the north and east perimeter of the Property and to require the Homeowners' Association to replace any dead, diseased, or dying plants required under the Final Landscape Plan (subject to such plant substitutions as may be appropriate in accordance with good arboricultural standards).
 - ii. All contractors shall comply with the permitted construction hours as stated in the Code. No staging of construction vehicles or equipment is permitted prior to the permitted construction starting time.

SECTION 4. Failure to Comply with Conditions. Upon the failure or refusal of the Developer to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, the approvals granted in Section 2 of this Ordinance

may, in the sole discretion of the City Council by ordinance duly adopted, without the need for a public notice or hearing, be revoked and become null and void; provided, however, that, except as otherwise provided in this Ordinance, no such revocation ordinance shall be considered unless (i) the City has first notified the Developer of the Property and (ii) the Developer has failed to cure any violative condition within 30 days (unless such violative condition requires more than 30 days and the Developer timely commences corrective action and continuously prosecute such corrective action without interruption until completion). In the event of revocation, the development and use of the Property shall be governed solely by the regulations of the R-4 District, as the same may, from time to time, be amended. Further, in the event of such revocation, the City Manager and City Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Developer acknowledges that public notices have been given and public hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right provided that the terms of this Section are satisfied.

SECTION 5. Amendment to Ordinance. Except to the extent expressly provided in this Ordinance, any amendments to the terms, conditions, or provisions of this Ordinance that may be requested by the Developer of the Property after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in Section 159.045 of the Zoning Code, or by an amendment to the special use permit itself in the manner provided in the Zoning Code and by applicable law.

SECTION 6. Binding Effect. Except as otherwise expressly provided in this Ordinance, the privileges, obligations, and provisions of each and every Section of this Ordinance are for the sole benefit of, and shall be binding on, the Developer (or a subsequent purchaser solely upon the execution of a transfer

assumption agreement in form and substance satisfactory to the City Manager), as well as any transferees of the Developer either (i) duly approved by the City pursuant to a transferee assumption agreement in a form acceptable to the City, or (ii) resulting from the transfer of an individual dwelling unit following issuance of a certificate of occupancy for such unit. This Ordinance shall be in full force and effect from and after its passage and approval; provided, however, that this Ordinance shall be of no force or effect unless and until (iii) Developer acquires the portion of the Property that is subject to a Purchase/Sale Agreement from Owner, and (iv) Developer files with the City its unconditional agreement and consent, in the form attached hereto as **Exhibit F** and by this reference incorporated herein and made a part hereof; provided further that, if Developer does not so file its unconditional agreement and consent within 90 days following the passage of this Ordinance, the City Council may, in its discretion and without public notice or hearing, repeal this Ordinance and thereby revoke the special use permit granted in this Ordinance.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this 5th day of April, 2021.

AYES: 5 Alderman Notz, Preschlake, Goshgarian and Weber
Mayor Pandaleon

NAYS: 3 Alderman Karras, Rummel and Burchmann

ABSENT: 0

ABSTAIN: Alderman Morris

APPROVED this 5th day of April, 2021.

ATTEST:

Margaret Poyner
City Clerk

[Signature]
Mayor



EXHIBIT A - 1

Property Legal Description

Lots 1 and 2 of Masonic Subdivision, being a subdivision in the Northeast Quarter of the Northwest Quarter of Section 33, Township 44 North, Range 12 East of the Third Principal Meridian according to the plat thereof recorded December 20, 1982 as Document 2190418, in Lake County, Illinois.

A portion of Lot 4 in R. H. Mabbatt Subdivision of Lots 130, 131, and 134 of Lake Forest, (except the Westerly 75.00 feet of said Lot 134 and except the Easterly 76.00 feet of said Lot 130); All in the North ½ of Section 33, Township 44 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded as Document #1118216 in Block 38 of Plats on page 2 in the office of the Recorder of Deeds in Lake County, Illinois.

EXHIBIT A - 2

Property Legal Description

A portion of Lot 4 in R. H. Mabbatt Subdivision of Lots 130, 131, and 134 of Lake Forest, (except the Westerly 75.00 feet of said Lot 134 and except the Easterly 76.00 feet of said Lot 130); All in the North $\frac{1}{2}$ of Section 33, Township 44 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded as Document #1118216 in Block 38 of Plats on page 2 in the office of the Recorder of Deeds in Lake County, Illinois.

EXHIBIT B

Findings of Fact

1. The Development Plan provides housing types that are available only in limited supplies in the community.
2. The Development Plan supports alternative modes of transportation due to its proximity to walking and bicycle paths and the train station.
3. The Development Plan supports and brings vitality to the Central Business District by locating new residential units within walking distance of restaurants, retail stores and services businesses.
4. Development Plan locates housing near community institutions: churches, the Library, Gorton Community Center, Lake Forest College, and the History Center.
5. The establishment, maintenance or operation of the use will not be detrimental to or endanger public health, safety, morals, comfort or general welfare. The proposed use in conjunction with the earlier phases of the McKinley Development are part of a long term plan to transition uses in this area from office buildings to multi-family residential. This change reduces traffic congestion and parking needs that would have resulted from redevelopment of the area for office uses as permitted by the current zoning on some of the parcels in the overall development. The building will be constructed to current building and life safety codes and, landscaping is planned to soften the currently bare streetscape in this area creating a landscaped entrance into the historic district consistent with landscaped streetscapes found throughout the historic district.
6. The 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 or impair property values within the neighborhood. The proposed development will provide certainty in a transition area that long has been somewhat of an eyesore along the streetscape. All required zoning setbacks are met and in most cases exceeded by the proposed building and the height of the building is in compliance with the height permitted by the code and not inconsistent with surrounding homes to the north and east. No documentation has been submitted to demonstrate that the proposed development will substantially diminish or impair property values in fact, providing certainty around how the property will be developed and replacing a 1960's residence with a new residence which will be subject to review and approval by the Historic District will help to support property values in the surrounding area.

7. The use will not impede the orderly and normal development and improvement of surrounding properties or open the door for other multi-family developments since each development petition must be considered on its own merits. Properties in the vicinity are for the most part developed. Redevelopment is occurring in a normal and orderly manner on property several lots to the east, on the four lots recently created through the Swift Subdivision. Those parcels are more centrally located in the historic district, surrounded on all sides by historic properties in the historic district, unlike this property which is located at the very edge of the historic district, adjacent to large multi-family buildings to the west. The use will not negatively affect or detract from the vitality or the character of the nearby business district.

Restoration and enhancements to the Library site are currently under consideration. Library representatives have been engaged in the redevelopment discussions for this area since the early deliberations on the Master Plan. A conscious decision was made to require a publicly accessible green space to the north of the Library on the Phase 3 development site and pedestrian connections to and through the new development connecting the adjacent residential neighborhood more directly with the train station and the Library. The Library renovation plans do not contemplate the need for expansion of the Library in a linear fashion to the north but instead, the concept being pursued anticipates renovation of the existing building and alterations on the existing Library site.

8. The architectural appearance and functional plan are not incompatible with the surrounding area. The building as proposed replicates the two previously approved buildings in a two story mass rather than three story mass. The design aspects of the building, the exterior materials and landscaping will all be subject to review and approval by the Historic Preservation Commission.
9. Adequate utilities, access roads and drainage facilities are in place to serve the proposed development. The phase three property was previously developed with an outbuilding from an early estate and the properties on which phases one and two of the development were constructed were previously developed with three office buildings. A stormwater management plan, reflecting drainage and grading improvements, has been developed. The proposed improvements include regrading and the installation of storm sewers on the development site as well as on neighboring properties to the east, 373 and, if the owners agree, on 385 E. Westminster subject to approval by the City. The 373 Westminster property is low lying and currently is impacted by stormwater flowing east on Westminster from McKinley Road and from the south. Improvements to this condition are planned as part of the development.
10. Adequate measures will be taken to provide ingress and egress to minimize traffic congestion on public streets. Two vehicle access points to the overall

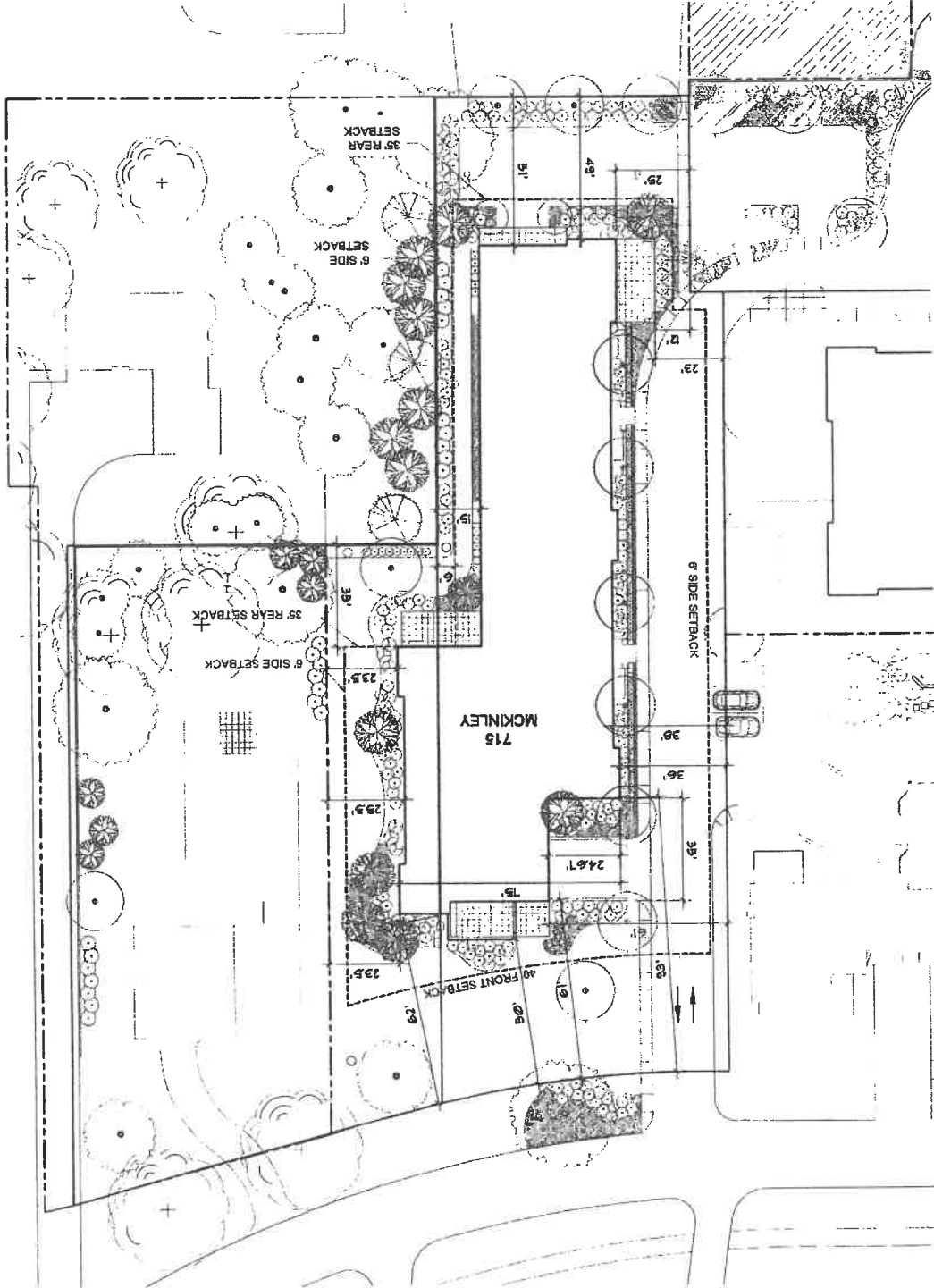
development exist. No changes to the location of those access points is proposed or needed to accommodate the third building.

March 9, 2021

SCALE: 1" = 30'

**MCKINLEY ROAD DEVELOPMENT
PHASE 3 SITE PLAN**

EXHIBIT C



la dscape

LAKE FOREST, IL

[illegible]

**PHASE 3
LANDSCAPE PLAN
EAST BUILDING**

Booklet 17 • 1972

L-7.3

Programme Filmmaking 10077



EXHIBIT F
Unconditional Agreement and Consent

Pursuant to Section Six of The City of Lake Forest Ordinance No. 2021 - 016 ("**Ordinance**"), and to induce the City Council to grant the approvals provided for in such Ordinance, the undersigneds acknowledge for themselves and their successors and assigns in title to the Property that they

1. have read and understand all of the terms and provisions of Ordinance No. 2021 - 016;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, The City of Lake Forest City Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's issuance of any permits for the use of the Property, and that the City's issuance of any permit does not, and shall not, in any way, be deemed to insure the Owners against damage or injury of any kind and at any time;
4. acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance;
5. agree to and do hereby hold harmless, defend, and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties with respect to the Property and the City's adoption of the Ordinance or granting the approvals to the Owners pursuant to the Ordinance, except as may arise from the City's gross negligence or willful misconduct, and provided that the City shall assert its available immunities in connection with such claims; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Owners of the Property.

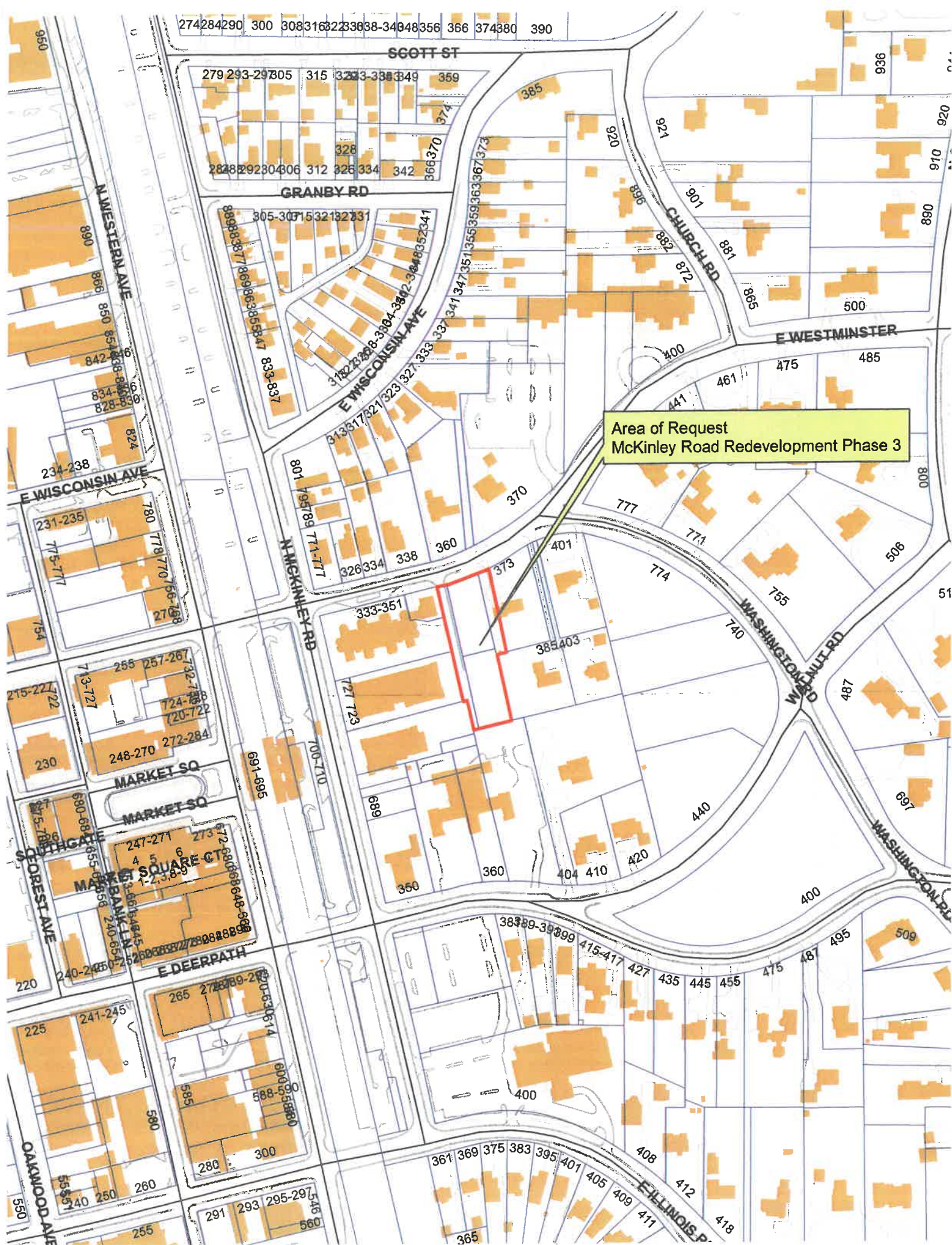
DEVELOPER: _____

By: _____

Its _____

ATTEST:

Michelle J. Fialla





Area of Request
McKinley Road Redevelopment Phase 3

715 MCKINLEY

LAKE FOREST

November 9th, 2022

Statement of Intent

Planning Commission

715 McKinley/361 Westminster

This project is the third and final phase of the McKinley Development.

This proposal is the result of a negotiated settlement.

The property under consideration includes the western 38' of the 373 Westminster site and does not include the remaining portion of the eastern part of the 373 Westminster site.

The plan varies from the plan that was approved by the city council and was rejected by the HPC in the following ways.

- Provides a single family residence on the north of the property that faces Westminster Avenue.
- Moves and reduces the size of the condominium building to the south.
- Retains the property that was to be donated to the library for open space.

Building massing

The single family home on the north of the property will have a pitched roof and attached two car garage accessed from an auto court and curb cut from the alley.

The 715 building steps down from the prior phase 1 and 2, 727/723 and 705 buildings to the west. First floor elevation is approximately 3.5' lower and the building picks up similar detailing but caps the brick portion of the building at 2 stories. The building will have exterior terraces on the second floor. There will be roof terraces above the second floor as in the first two western buildings are on the third floor. These roof areas are indicated on the roof plan and have designated areas for use and screen from east and north with landscape planters.

Building Setbacks

The setbacks for the single family home are indicated on the site plan and the front yard setback is similar to the properties on either side of the 361 property.

Height, Size and Number of Units:

The project will have 7-8 units total. 6-7 in the condo building and 1 for the single family home.

Parking:

The project will provide 16 underground parking for each unit with a minimum of 2 per unit with most having 3 spaces. In addition guest parking will be provide by the existing 9 parallel spaces, 3 spaces of of the north-south drive. The home will have 2 garage spaces and additional parking in the auto court.

Easements:

Public access will still be established on all the roads and sidewalks in the development.

Plan Currently Under Consideration

PLANNED UNIT DEVELOPMENT
705 McKinley Road, 715 McKinley Road, 723 / 727 McKinley Road, and 361 Westminster

705 McKinley Road

LOT 1 IN 705 MCKINLEY CONDO PLAT OF SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 44 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 2019 AS DOCUMENT 7580973, IN LAKE COUNTY, ILLINOIS.

715 McKinley Road, 361 Westminster

PARCEL 1:

LOTS 1 AND 2 OF MASONIC SUBDIVISION, BEING A RESUBDIVISION OF THE WESTERLY 75 FEET OF LOT 134 OF ORIGINAL LAKE FOREST, BEING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 44 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 20, 1982 AS DOCUMENT 2190418, ALSO TO INCLUDE THE ALLEY LYING WEST OF AND ADJOINING SAID LOTS 1 AND 2, IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

LOT 4 (EXCEPT THE EASTERLY 88.00 FEET THEREOF) IN R.H. MABBATT SUBDIVISION OF LOT 131 AND PART OF LOT 130 AND 134 OF LAKE FOREST IN THE NORTH HALF OF SECTION 33, TOWNSHIP 44 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID R.H. MABBATT SUBDIVISION, RECORDED AUGUST 10, 1961, AS DOCUMENT 1118216, IN LAKE COUNTY, ILLINOIS.

723/727 McKinley Road

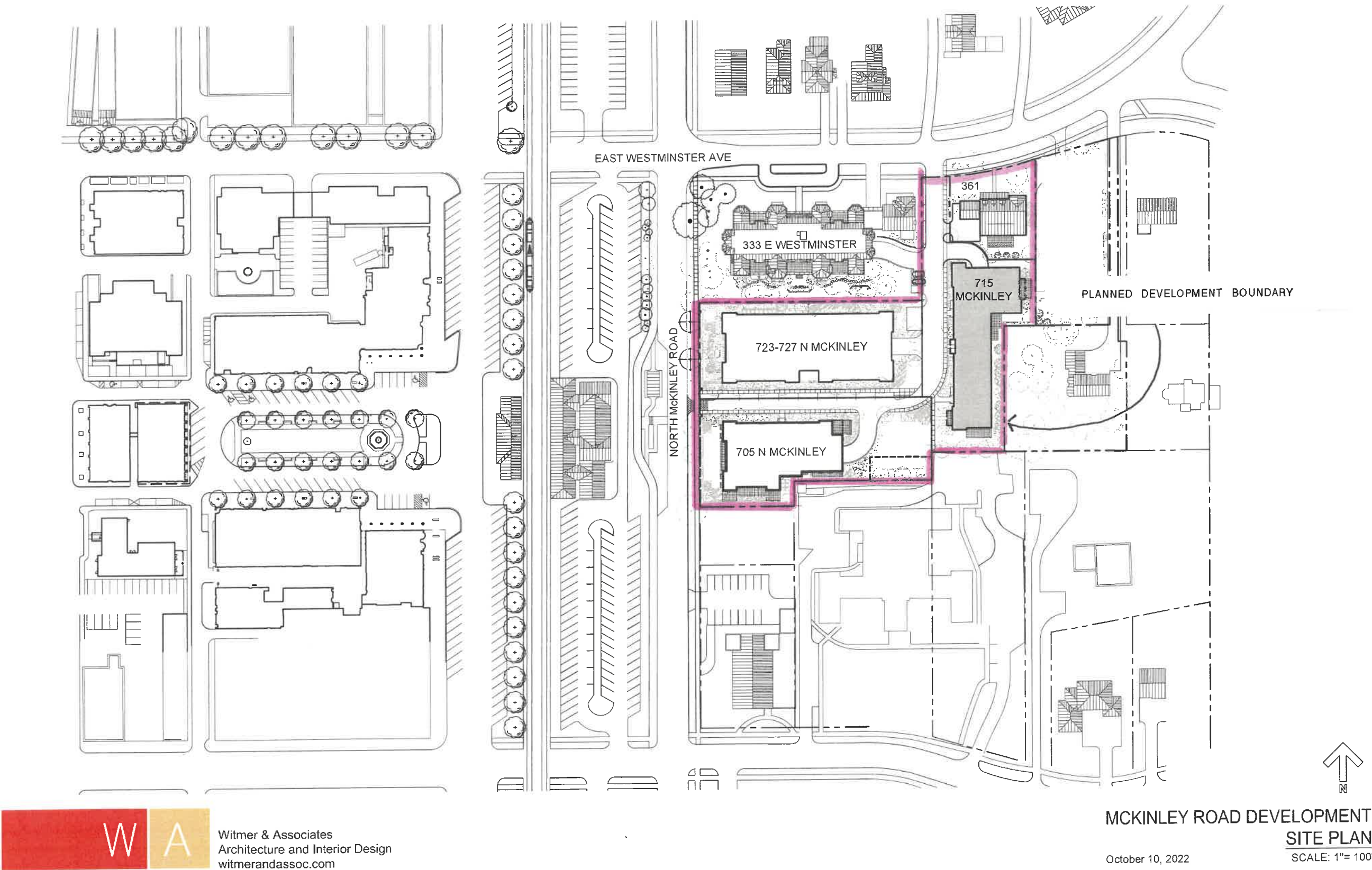
BEING IN 721/725 MCKINLEY PLAT OF CONSOLIDATION, A CONSOLIDATION OF PART OF LOT 141 IN LAKE FOREST SUBDIVISION AND LOTS 1 AND 2 IN ARCHER SUBDIVISION IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 44 NORTH RANGE 21, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JUNE 29, 2017 AS DOCUMENT 7407165, IN LAKE COUNTY, ILLINOIS.

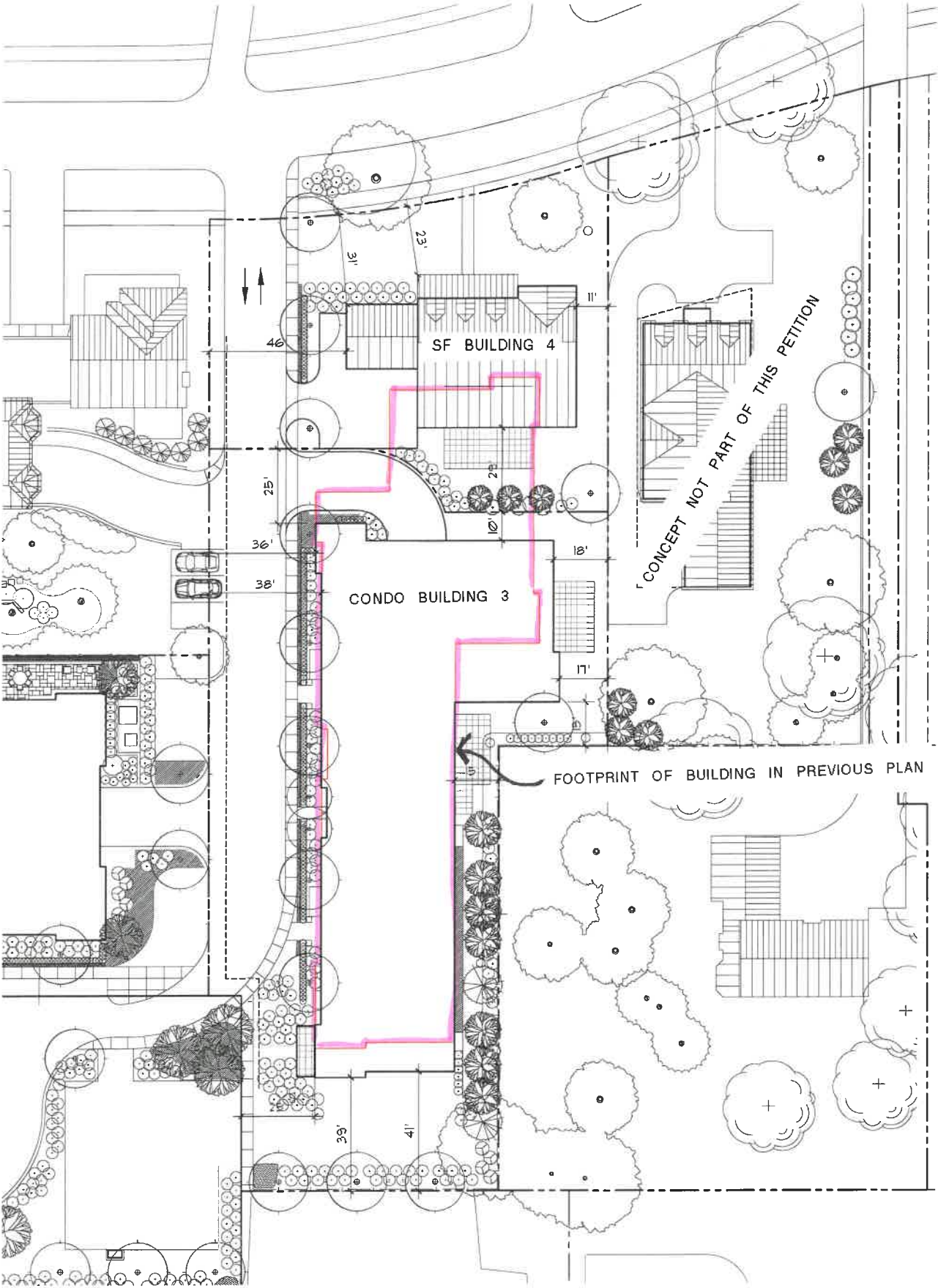


PROJECT NO. 70-948-3
OCT. 20, 2022

BLECK
engineers | surveyors

Bleck Engineering Company, Inc.
1375 North Western Avenue
Lake Forest, Illinois 60045
T 847.295.5200
www.bleckeng.com





MCKINLEY ROAD DEVELOPMENT
PHASE 3 SITE PLAN

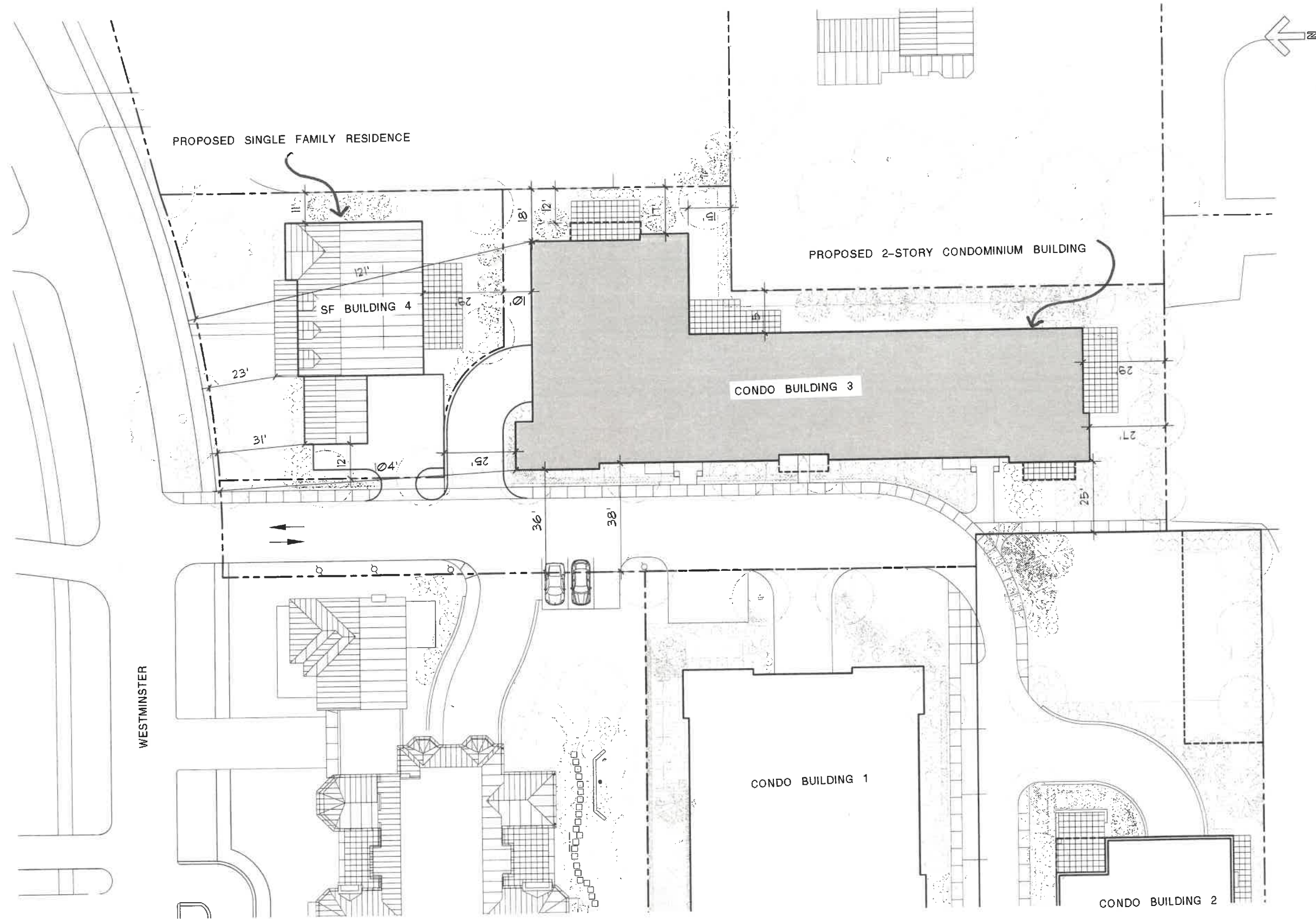
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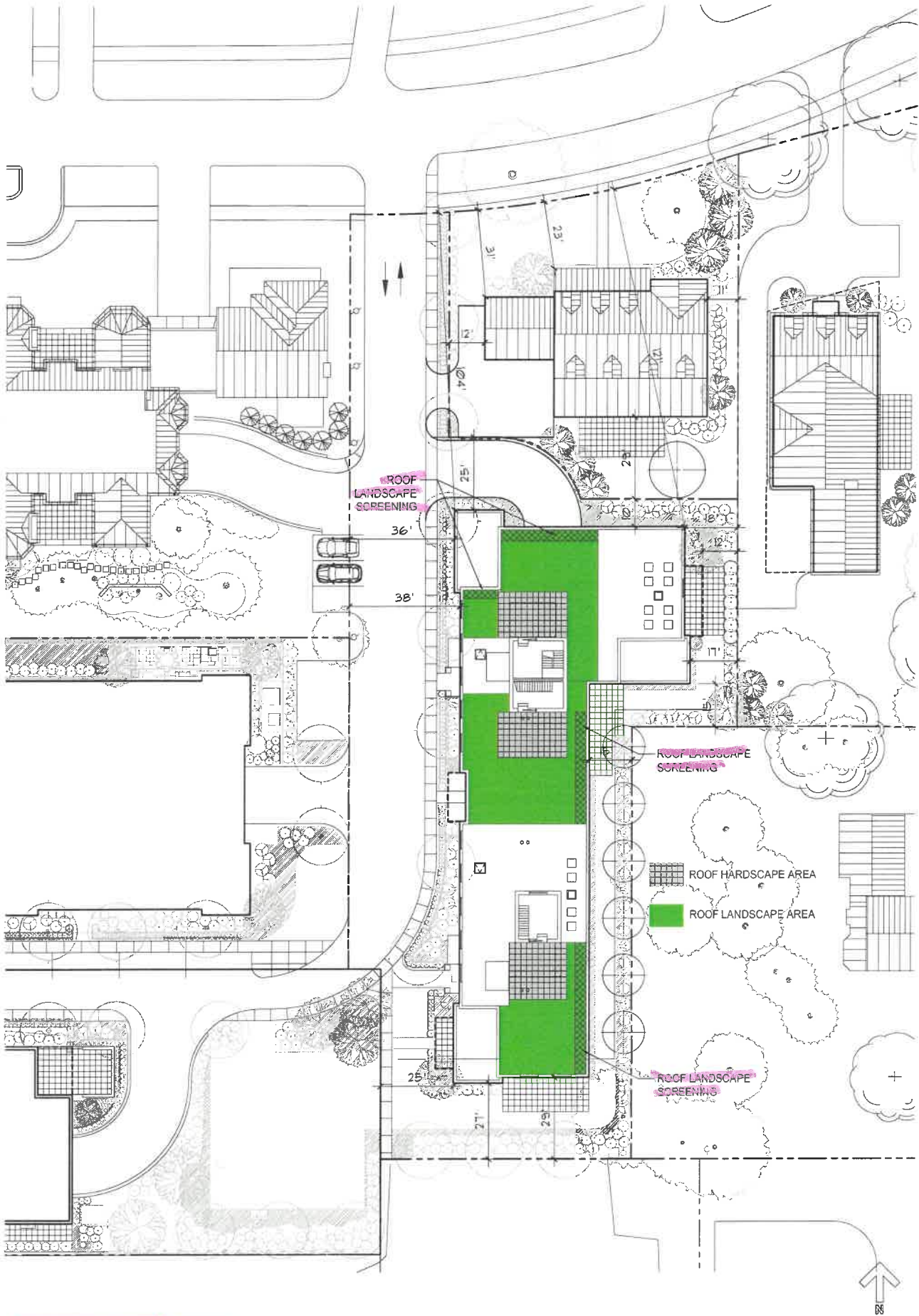
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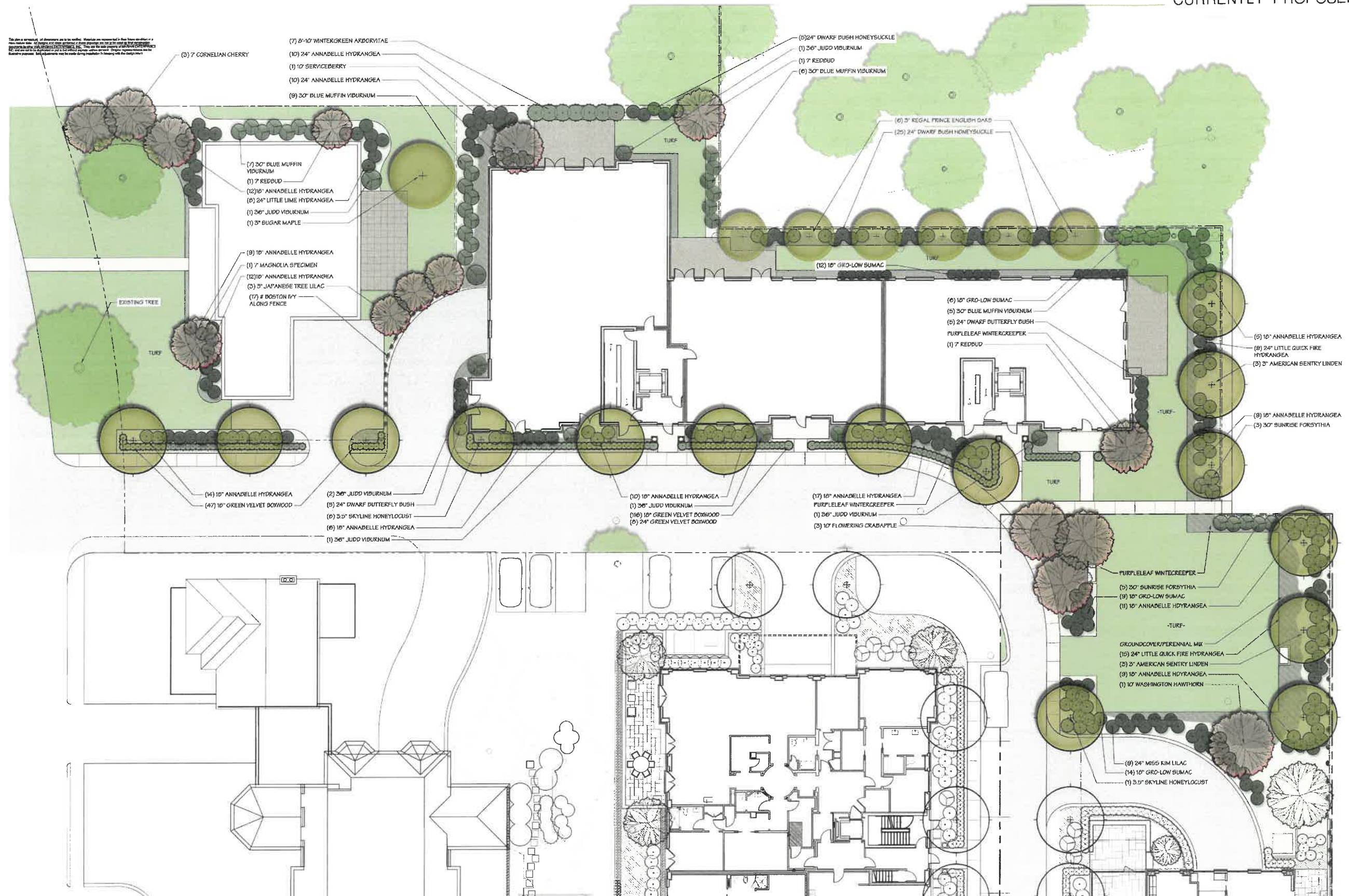
October 10, 2022



Witmer & Associates
Architecture and Interior Design
witmerandassoc.com



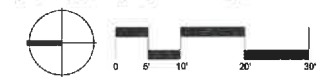




715 McKinley RD. - Phase 3 Landscape Plan

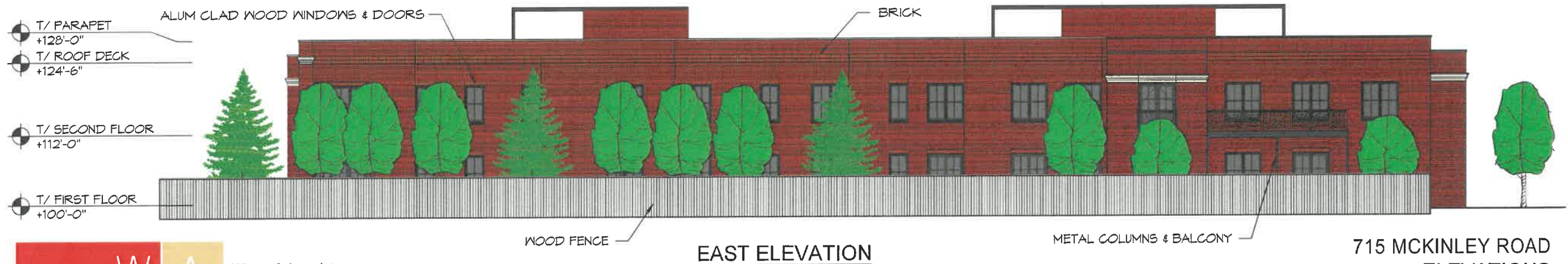
715 McKinley Rd, Lake Forest IL

Project No: 715_18037
11.02.2022

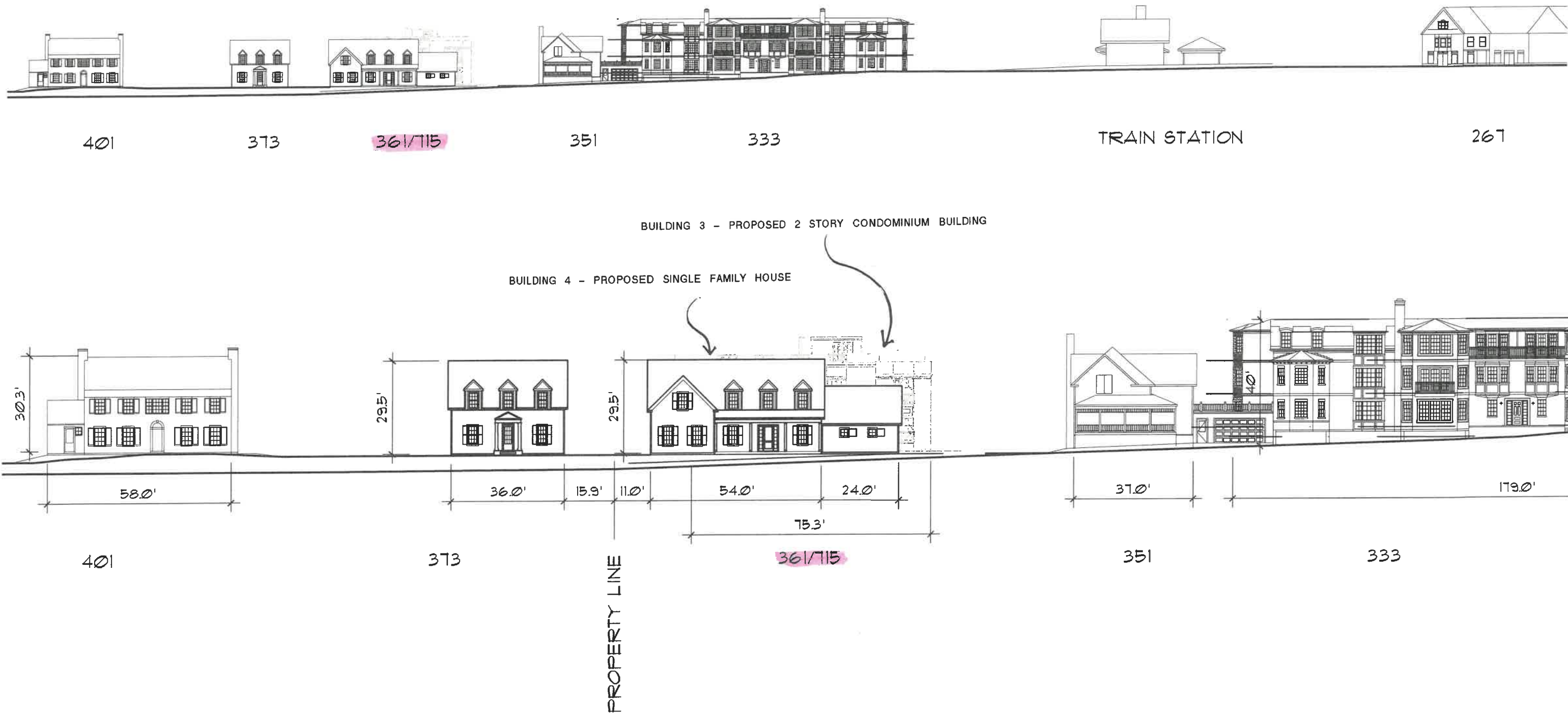


MARIANI
300 Rockland Road | Lake Bluff, Illinois 60045
Phone: 847.234.2172 | Fax: 847.234.2754
www.marianilandscape.com

ELEVATIONS – PROPOSED 2-STORY CONDOMINIUM BUILDING
CURRENTLY PROPOSED

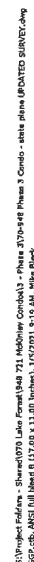


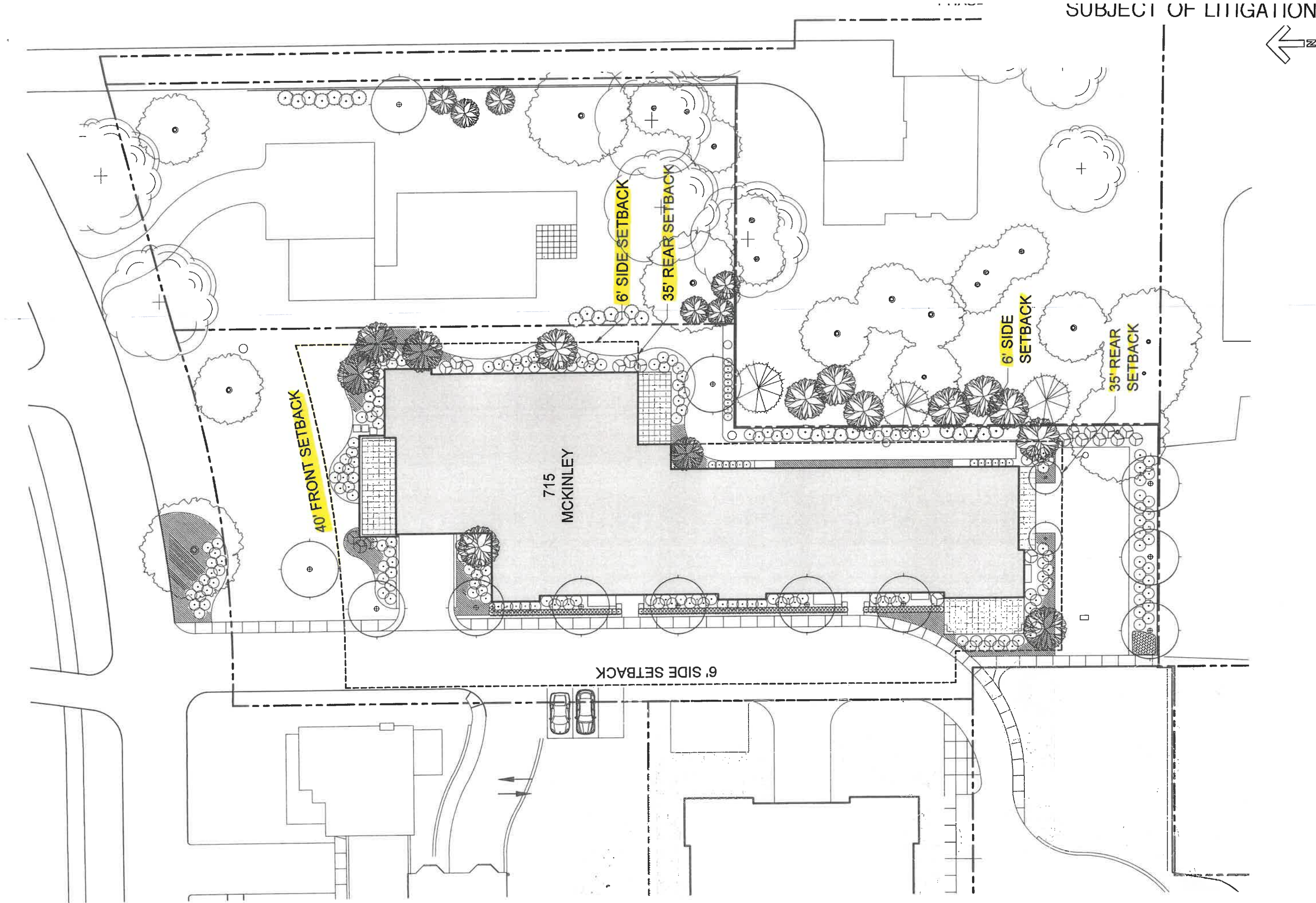




Previous Plan – Provided for Reference

This Plan is the Subject of the Litigation





Witmer & Associates
Architecture and Interior Design
witmerandassoc.com

MCKINLEY ROAD DEVELOPMENT
PHASE 3 SITE PLAN
January 29, 2021
SCALE: 1"=



SUBJECT OF LITIGATION

