

The City of Lake Forest
Plan Commission
Proceedings of the June 14, 2023 Meeting

A meeting of the Lake Forest Plan Commission was held on Wednesday, June 14, 2023, at 6:30 p.m.

Commission members present: Chairman Dixon and Commissioners Jamie Moorhead, Louis Pickus, Mark Pasquesi, and Lisa Nehring

Commissioners absent: Commissioner Stephen Douglass and Barrett Davie

Staff present: Catherine Czerniak, Director of Community Development
Lee Brown, Teska Associates

1. Introduction of Commissioners and staff and review of meeting procedures.

Chairman Dixon introduced the members of the Commission and reviewed the meeting procedures followed by the Commission.

2. Consideration of the minutes of the April 20, 2023 meeting.

The minutes of the April 20, 2023 Plan Commission meeting were approved as submitted.

3. Continued Public Hearing and Action: Comprehensive Plan Update –
Consideration of an update of the Central Business District Chapter.
Presented by: City Staff and Consultant - Lee Brown, President, Teska Associates, Inc.

Chairman Dixon asked the Commission for any conflicts of interest or Ex Parte contacts. Hearing none, he noted that Commissioners Moorhead and Pasquesi served on the Working Group.

Mr. Brown reviewed the process to date. He stated that the draft update to the Central Business District chapter of the Comprehensive Plan was developed with the guidance of the Adhoc Working Group and with public input gathered through various means, individual interviews, focus groups, an online poll, an interactive comment map, an in person workshop, and a public hearing. He reviewed that based on community input, several overarching themes were identified, the need for a distinctive and cohesive business district, the importance of strong and vital businesses, attention to safety and accessibility, and a desire to maintain the unique character of the Central Business District to distinguish it from business districts in other communities. He stated that the themes led to the Vision Statement. He presented the Vision Statement and summarized it stating that the vision emphasizes that the business district should not be changed into something different but instead, buildings, spaces, and the character

should be preserved and enhanced to draw in businesses, residents, and visitors. He stated that preserving the unique character of the district is a theme carried throughout the chapter. He noted that a Comprehensive Land Use Plan is a forward looking document, not a regulatory tool. He stated that the chapter that is now before the Commission is the third in a series of chapters that have been updated. He stated that later in the update process, the individual chapters will be finalized, organized, and knitted together and will be presented as a single document. He stated that implementation of the recommendations in the Plan will occur in phases, as directed by the City Council. He explained that the City cannot implement the vision on its own but can do so in partnership with property and business owners. He reviewed the changes made to the draft chapter based on the comments heard at the last meeting. He noted that the content were reordered for ease of readability and to create a more logical sequence of the topics discussed. He noted that the chapter begins with a review of the context and geography and leads to details and finally suggested actions. He stated that the recommended actions were refined to better align with the recommended actions adding that each goal is now clearly connected with related actions. He reviewed that the updated chapter recognizes that the Central Business District does not have a single unified character, but instead is made up of unique areas, with different characteristics which each meet different community needs. He noted that the Adhoc Working Group determined that it was important to call out the distinct areas in the chapter, the Core, the Inner Ring, and Neighborhood Business. He added that the three areas are connected by street corridors which again, each have different visual character. He stated that as revised, the hope is that the chapter speaks more directly to the vision, goals, and recommended actions.

Ms. Czerniak reviewed that the discussions that led to the draft chapter as now presented to the Commission occurred over the course of about a year. She stated that the public engagement process for this chapter offered more opportunities than occurred with either the Route 60 Corridor or Waukegan Road/Settlers' Square Business District chapters because of the high level of interest and the importance of the Central Business District to the entire community. She stated that although it is more detailed, the updated chapter is generally consistent with the goals for the Central Business District in the 1998 Comprehensive Land Use Plan. She stated that as a follow up to the update to the Comprehensive Plan in 1998, the Central Business District zoning districts were revised substantially. She noted that since the adoption of the 1998 Comprehensive Land Use Plan, there have been at least three follow up studies of the Central Business District and each one noted that Bank Lane presents an opportunity for an enhanced pedestrian corridor connecting various parts of the Central Business District and inviting/encouraging people to move through the district and linger. She stated that the chapter now presented recommends that enhancing Bank Land should be a priority. She noted that references to the 17 standards, used by the Historic Preservation Commission to review petitions have been made in public testimony. She explained that the updated Comprehensive Land Use Plan does not change the required public review processes that are in place or negate the role of the Boards and Commissions. She stated that questions were raised about expanding the Historic District so that it encompasses more of the Central Business District. She stated that the

City Code provides a process for parties to bring forward requests to expand or contract the boundaries and establishes a process for reviewing these types of requests. She noted the Working Group did not recommend any change to the boundary of the district. She reviewed the recommendation forwarded to the City Council by the Plan Commission. She stated that the Commission recommended approving the updated chapter that addresses the Central Business District in substantially the form presented. She noted that the Commission also recommended that the Council identify priorities for implementation over the next three to five years including maintenance and enhancement of infrastructure, a review of parking, enhancing Bank Lane as a pedestrian corridor, and proactive planning for the Inner Ring.

In response to questions from Commissioner Moorhead, Ms. Czerniak explained that if the City Council directs the development of design parameters the parameters could be incorporated into the Code, be used as guidelines rather than as regulatory requirements, or, in the case of publicly owned land, be incorporated into a future Request for Proposals for purchase or redevelopment of a site. She stated that the Residential Design Guidelines are incorporated into the Code. She stated that if the Council directs the development of design guidelines for specific areas of the Central Business District, there will be opportunities for public input likely including review and input from one or more of the Boards or Commissions. She pointed out that the chapter as presented holds true to the goals and vision of the Central Business District chapter that was adopted in 1998; preservation, enhancing the vitality, and retaining the distinctive character. She noted however that the updated chapter provides more detail and includes recommendations for achieving the goals and vision which were not included in the 1998 chapter. She stated that the goals and vision in the draft chapter align closely with the current Zoning Code but acknowledged that a review of the Zoning Code after the entire updated Comprehensive Plan is adopted is appropriate.

In response to questions from Chairman Dixon, Ms. Czerniak acknowledged that questions about the 17 standards in the Preservation Chapter of the Code have been raised during public testimony. She noted that although there is a reference to the 17 standards in the updated chapter, the standards are not reiterated. She reviewed that the City's Historic Preservation Commission is charged with reviewing petitions based on the 17 standards in the City Code. She stated that the Comprehensive Land Use Plan does not change the established review process or negate the 17 standards. She stated that the updated chapter identifies the "Core" which generally aligns with the boundaries of the Historic District in the Central Business District and does not change the role of the Historic Preservation Commission in reviewing development and redevelopment petitions in that area.

In response to questions from Chairman Dixon, Mr. Brown noted that the updated chapter recognizes that as activity increases in the Central Business District, particularly with new restaurants, there will be more stress on parking. He stated that thinking ahead about how to provide for additional parking if that demand presents itself. He noted that as development occurs, it will be important to not lose the existing parking and as

needed to create opportunities to add parking. He stated that if a parking structure is considered in the future, it is important to note that there are examples of parking structures that are designed in the context, scale, and character of the surroundings. He stressed that parking structures do not need to be ugly.

In response to questions from Commissioner Nehring, Mr. Brown noted that it is important that the City partner with private property owners as opportunities become available. He stated that banks are a great example of a use that today, requires smaller buildings and less land than in the past. He acknowledged that as suggested by Commissioner Nehring, future parking needs could potentially be addressed through partnerships with the owners of properties that are not fully utilized including perhaps accommodating some EV charging stations. He stated that having the conversation about how to make the best use of available properties and buildings that are not fully occupied would be a goal of undertaking a proactive planning process for the Inner Ring.

Ms. Czerniak confirmed that as part of future planning work, the City would engage private property owners in those discussions.

In response to questions from Commissioner Pickus, Ms. Czerniak acknowledged that concerns about design standards for areas outside of the Core have been raised during the public testimony. She stated that developing design parameters, as a next step, could help to address that concern without restricting development to an unreasonable extent. She stated that if the Council directs the development of design parameters, public engagement during that process will be important.

In response to questions from Commissioner Pickus, Mr. Brown stated that the Working Group was sensitive to the need to first set the goals and public policy and once those are accepted by the City Council, through a separate process, delve deeper into the details which could include developing design guidelines for specific areas or blocks.

In response to questions from Commissioner Nehring, Ms. Czerniak stated that the Working Group recognized the importance of Bank Lane as a service corridor. She stated however that the group also recognized that there may be an opportunity to enhance the pedestrian experience along Bank Lane. She stated that further study is needed to determine whether limiting additional portions of Bank Lane to one way is appropriate for the long term. She noted that the City has had conversations with the Post Office for over ten years and the Post Office is aware of the City's interest in participating in that conversation when and if the Post Office operations are moved.

In response to questions from Commissioner Nehring, Mr. Brown stated that the photos and images in the chapter are intended to be illustrative.

Commissioner Nehring noted concern about limiting parking on Bank Land and noted the limited availability of accessible parking spaces. She suggested consideration of bike lanes.

Hearing no further questions from the Board. Chairman Dixon invited public comments.

Rommy Lopat, 410 Woodland Road noted that prior to the meeting she submitted edits and a substitute vision statement. She suggested that the vision statement should not start with a negative sentence and that the goals be rewritten and be augmented with examples throughout the document. She stated that if left turns from Bank Lane on to Deerpath are a concern, a sign could be posted as a first step. She stated that the traffic study should be completed before changes are made. She noted that if the Deerpath Streetscape Improvement project moves forward, 17 parking spaces will be lost. She suggested that the Plan Commission have a discussion with the community before moving forward. She noted that there is significant discussion in the chapter about Bank Lane, but not about other areas. She questioned the future of the Post Office site noting that in her opinion, the Post Office will vacate the site. She noted that development parameters were prepared for the McKinley site but were not effective. She suggested that the development parameters should be clear and one page to allow the Plan Commission to easily determine whether a project meets the goals of the Comprehensive Land Use Plan. She stated that the goals were not met by the McKinley development. She suggested putting the current process on hold and hiring an outside planner conversant with historic districts to conduct public forums and informal conversations. She stated that developers and property owners should be involved in the process, and she questioned why they are not in the audience and testifying before the Commission. She stated that residents should be asked what they would like to see block by block.

Brian Norton, 90 Woodland Road, spoke on behalf of the Preservation Commission. He thanked the Commissioners for their efforts. He stated that the updated chapter on the Central Business District should be a project that excites the community. He noted that for some, there are lingering fears that more four and five story buildings will be built in and around the core area. He stated that the chapter as presented does not provide comfort that will not happen. He acknowledged that the vision statement as presented moves in the right direction however, he stated that there are not sufficient parameters and limitations in the chapter. He stated that there should be a public forum for developing parameters. He stated that the Foundation does not want to see what is happening in other communities happen here. He stated that a portion of the Central Business District is in the City's Local Historic District and acknowledged that provides some protection through the 17 standards which must be applied. He noted however that there are areas that are not in the Historic District and suggested that consideration be given to incorporating the Inner Ring, or portions of it, into the Historic District so that the more restrictive standards will apply to development proposals.

Courtney McGovern, 79 Mayflower Road, stated that she was not informed of the process for developing the draft chapter and stated that she is likely not the only resident who was unaware of the process. She stated that the updated chapter represents a substantial undertaking and stated that there should be more opportunity for community engagement. She commented that in the past, the Commission has voted one way and the City Council has allowed the developer to do whatever they

want. She stated that there should be more restrictions on developers and developers should not be telling the City how development should occur. She stated that being overly specific about what is permitted and what is not permitted would be in the best interest of the community.

In response to Commissioner Nehring, Ms. Czerniak explained that the Local Historic District follows the boundary of the National Register District. She stated that there is a process in place which allows anyone to propose a change in the boundaries of the historic districts. She explained that requests for boundary changes would be considered by the Historic Preservation Commission and evaluated based on the criteria in the Code. She reiterated that no change to the district boundaries was recommended by the Working Group.

In response to questions from Commissioner Moorhead, Ms. Czerniak confirmed that there is no intent in the updated chapter to modify, or suggest a modification, to the Historic Preservation Commission's review process. She stated that the intent of development or design parameters is to make the development process and the City's intent for the Central Business District more predictable. She noted that some have raised questions about why more developers are not involved in developments in the Central Business District, she commented that providing greater predictability could encourage more and different developers to pursue projects in the district. She confirmed that the updated chapter does not directly address building height limits reiterating that the Comprehensive Land Use Plan is not a regulatory document. She stated that the Zoning Code establishes a height limit of 35 feet in the Central Business District. She noted that with current life safety requirements and the desire for taller floor to ceiling heights, it can be difficult to achieve three stories within that limitation. She stated that in the future, it may be appropriate to revisit the Code requirements in the context of any design parameters that may be developed. She stated that providing convenient and appropriate public parking is one way that the City can incentivize developers.

In response to questions from Commissioner Moorhead, Mr. Brown noted that the plan does not prohibit a new public access on to Oakwood Avenue but instead, encourages careful thought about how the Central Business District transitions to the adjacent neighborhoods in order to protect and preserve the character of the area.

Chairman Dixon closed the public hearing and invited final comments from the Commission.

Commissioner Pickus suggested that as a nod to some of the public testimony, the chapter could reference next steps for implementing the plan. He stated that providing assurance to the community in some form that more study and planning will occur would be responsive to some of the concerns raised.

Commissioner Moorhead acknowledged that it is a careful balancing act between setting the vision and goals and not getting into the weeds of exactly how development should occur. He suggested refinement to sections 1.15 and 1.16.

Commissioner Pasquesi stated support for the updated chapter noting that it establishes a vision and is a framework for future decisions. He reiterated that the Comprehensive Plan is not a regulatory tool. He noted that additional planning work will be undertaken and added that as individual projects are proposed, there are review processes in place which involve the Plan Commission and other Boards and Commissions at appropriate times. He stated that in his opinion, there were ample opportunities for the public to be engaged throughout the year long process of developing the draft chapter that is now before the Commission.

Chairman Dixon stated that a great deal of time and thought has gone into the draft that is presented for action. He acknowledged the thought and time that members of the public put into going through the draft document and offering edits. He suggested that the language relating to special retail also be added to the desired used in the Inner Ring. He also suggested that the language be clarified to establish that the goals of preserving and strengthening the community character apply to the Central Business District as a whole and not just to the Core. Hearing no further comments from the Commission, he invited a motion.

Commissioner Moorhead made a motion to recommend approval of the update to the City's Comprehensive Land Use Plan incorporating a new chapter relating to the Central Business District in substantially the form presented and establish the following as short term priorities in over the next three to five year.

- *Infrastructure*
 - *Parking*
 - *Bank Lane*
 - *Inner Ring*
- Provide the opportunity for public involvement and involvement of Boards and Commissions as determined to be appropriate.

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

4. Public Hearing and Action: Consideration of a Code Amendment to Allow Speakers in Outdoor Dining Areas of Restaurants with Some Limitations. Amendments are proposed to Sections 159.109C(4), B-1 Neighborhood Business District, 159.111C(2)(f), B-2 Community Commercial District, 159.112C(4)(f), B-3 Traditional Business District, and 159.113 B-4C(2)(f) Preservation Business District. Presented by: City Staff

Chairman Dixon asked the Commission for any conflicts of interest or Ex Parte contacts, hearing none, he swore in all those intending to speak on the petition. He invited an introduction of the item from City staff.

Ms. Czerniak reviewed that at a recent meeting, the Commission recommended reconsideration of the current Code provision prohibiting outdoor speakers at restaurants be revisited. She stated that the City Council accepted the Commission's recommendation and directed the staff to review the Code and if appropriate, prepare amendments for the Commission to consider at a public hearing. She stated that in October 2022, staff presented the results of research on whether other communities regulate outdoor speakers at restaurants, and if so, how to the Commission. She reviewed that based on the information presented, the Commission directed staff to draft an amendment to the Code to allow outdoor speakers at restaurants with some limitations. She stated that since the October meeting, City staff consulted an acoustical engineer on how the City could best balance the interests of both restaurant owners and residential neighbors. She stated that based on the advice of the consultant, staff drafted an amendment for the Commission's consideration. She stated that as proposed, the amendment removes the prohibition on outdoor speakers and allows speakers with some limitations. She reviewed that speakers must be small and located around the outdoor space. She explained that with today's technology, several smaller speakers can provide a consistent level of sound on the patio at a lower volume than one or two large speakers. She stated that speakers are limited to music only, no announcements. She noted that sound levels are limited to five decibels above the median ambient sound level at a specific restaurant. She noted that the consultant recommended using the median ambient sound level, rather than the peak ambient sound level. She stated that as drafted, for restaurants within 150 feet of residential zoning districts, outdoor speakers would be considered through the required Special Use Permit. She stated that if the amendments are enacted, enforcement will occur based on complaints. She said if problems arise, further amendments will be brought forward for the Commission's consideration.

In response to a question from Commissioner Pasquesi, Ms. Czerniak stated that to date, one complaint was received about the noise level from outdoor speakers at a restaurant. She noted that City staff contacted the restaurant operator who was unaware that the speakers were on since there were no diners outside. She stated that the matter was addressed promptly.

In response to a question from Commissioner Moorhead, Ms. Czerniak confirmed that over the first year, the City will conduct testing in an effort to identify any problems and evaluate the effectiveness or lack thereof of the Code language.

In response to a question from Commissioner Pickus, Ms. Czerniak acknowledged that the ambient baseline for any particular time period may be different from other times. She acknowledged that the proposed language is not perfect. She stated that if and when complaints are received, staff will evaluate the situation and explore possible

ways to address any concerns that arise. She acknowledged that the goal will be to treat restaurant owners fairly and with common sense.

In response to a question from Commissioner Nehring, Ms. Czerniak confirmed that if there are complaints, staff will, over the course of several testing periods, determine a reasonable ambient noise level to use as a baseline for the specific restaurant. She stated that at this time, the acoustical engineer did not recommend establishing a maximum sound level overall due to the different conditions that exist for the various restaurants. She stated that for those restaurants that already have outdoor speakers, if they are larger than permitted, the speakers will need to be changed out.

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

Rommy Lopat, 410 Woodland Road, questioned whether a specific situation prompted the proposed amendment. She suggested that the Commission should take this opportunity to establish Code language to regulate roof top decks noting that restaurants could propose roof top decks in or near the Central Business District. She suggested that peak ambient noise levels be considered as a maximum and that night time noise should result in some type of penalty. She suggested that the Commission consult a diagram to understand what decibel levels mean to the human ear.

Chairman Dixon responded to public comment noting that after reviewing several restaurants recently, the Commission determined that review of the current prohibition on outdoor speakers at restaurants is timely and recommended the review to the City Council. He stated that the City is fortunate to have experienced restaurant operators. He stated that when issues come up, the restauranters work in cooperation with the City to address the issues. He stated his expectation is that the restaurants will, for the most part, be self-policing. He stated that if for some reason the amendment is not working for the public or for the restaurant owners and operators, further amendments will be considered in a public forum. Hearing no further requests to speak from the public, he closed the hearing and made a motion to recommend approval of the Code amendments to the City Council.

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

5. Additional public comment on non-agenda items

Rommy Lopat, 410 Woodland Road stated that she would like to develop relationships with Board and Commission members and asked how best to do so. She asked how Board and Commission members can be contacted.

In response to Ms. Lopat's question, Chairman Dixon encouraged Ms. Lopat to submit correspondence to City staff and explained that staff regularly distributes correspondence received to all members of the Commission.

6. Additional information from staff.

Ms. Czerniak stated that at this time, there is There was no additional information presented by City staff.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Catherine Czerniak
Director of Community Development