

The City of Lake Forest
Plan Commission
Proceedings of the February 15, 2024 Meeting

A meeting of the Lake Forest Plan Commission was held on Thursday, February 15, 2024, at 6:30 p.m.

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

Commissioners absent: None

Staff present: Catherine Czerniak, Director of Community Development

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

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

2. Consideration of the minutes of the November 16, 2024 meetings.

The minutes of the November 16, 2024 Plan Commission meeting were approved as submitted.

3. Public Hearing and Action: Consideration of a request for a Special Use Permit for a Starbucks with a drive through on the southeast corner of Waukegan and Everett Roads. This plan replaces the redevelopment plan previously presented for consideration for the larger site and identifies the south portion of the site for future development. Approval is only requested for the Starbucks site at this time. Future development to the south will require separate review and approval.

Property Owner: Iosue Investments LLC (Carmine Iosue, Nicole Mertens)
Presented by: Carmine Iosue, Property Owner
Jack Frigo, Real Estate Advisor
Nick Patera, Teska Associates, Inc.

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 a presentation from the petitioner.

Mr. Frigo stated that this petition is back before the Commission in a reduced form. He explained that the multi-family residential building previously proposed for the south portion of the property is no longer included in the plan. He stated that instead, the property owner has decided to move forward with development of only the Starbucks at the corner at this time. He stated that the corner of the property was previously the

site of a gas station adding that it has been vacant for 15 years. He stated that discussions with Starbucks have been ongoing for some time and the owner wishes to proceed with that part of the development which will allow an understanding of circulation on the site, prior to returning to the Commission with plans for development of the south portion of the property. He reviewed the site plan for the Starbucks building and the double lane drive through. He noted the pedestrian connections provided to the adjacent public sidewalks and internally, to the 1925 Everett Road office building to the east. He noted that the plan overall reduces the number of curb cuts from the seven curb cuts that have historically served the site, to three curb cuts which will serve the entire site including the existing office building to the east. He stated that at the south end of the property, a full access curb cut is provided with full turning movements. He noted that the curb cut on to Waukegan Road just south of the Starbucks will be limited to right turns in and out. He stated that the existing curb cut just east of the existing office building, will be widened to provide a dedicated left turn lane on to Everett Road as well as dedicated ingress and egress lanes. He stated that a yet to be defined landscape feature is planned at the corner near the intersection of Everett and Waukegan Roads. He stated that design of the element is pending final design of the intersection which is slated for expansion in the coming years. He stated that the property owner has already agreed to dedicate land to the City for the additional right of way that is needed for the intersection improvement project adding that the site plan presented takes the planned dedication into account. He stated that the petitioner has reviewed the staff report and agrees with it one hundred percent. He requested the Commission's support for moving forward with the development as now proposed.

Ms. Czerniak reviewed that various redevelopment plans for this property which is located on the southeast corner of Everett and Waukegan Roads, have been before the Plan Commission over the past several years. She confirmed that as now proposed, redevelopment of the site will occur incrementally starting with a Starbucks at the corner of Everett and Waukegan Roads. She stated that a Starbucks with a double drive through lane was part of some of the earlier proposals and was generally supported adding that the questions raised about past plans and any controversy, focused on how the south portion of the site will be developed. She noted that the petitioner has been in ongoing discussions with Starbucks for some time and would like to assure that a Starbucks remains in the Settler's Square Business District. She stated that the City Engineer has reviewed and supports the plan and commented that the overall circulation as now planned is improved over previous plans. She stated that as proposed, the ingress and egress points to the site are consistent with past approvals from IDOT. She stated that final plans for the proposed development will still require review and approval by IDOT. She pointed out that City approval of the Starbucks does not guarantee approval of any specific plan for the south portion of the property. She stated that findings in support of a Special Use Permit for Starbucks with a drive through are detailed in the staff report.

Chairman Dixon invited questions from the Commission.

In response to questions from Commissioner Pasquesi, Ms. Czerniak stated that the timing for the improvements at the Everett and Waukegan Road intersection is not yet certain but noted that it is likely a couple years off. She stated that the City continues to work diligently with IDOT and the railroad to move the project forward.

In response to questions from Commissioner Pickus, Mr. Frigo confirmed that the property owner is committed to dedicating the land needed for the intersection improvement project. He stated that the site plan presented for Starbucks accounts for the land dedication.

Chairman Dixon suggested that a requirement for the dedication of the land needed for the additional right of way to support the intersection improvement project be included as a condition of the Special Use Permit.

In response to a question from Commissioner Nehring, Ms. Czerniak confirmed that the request before the Commission is only for the portion of the site on which Starbucks will be located. She stated that future development of the south portion of the site will require future consideration.

In response to questions from Commissioner Nehring, Mr. Frigo confirmed that to expand the curb cut on Everett Road, a Locust tree and shrubs will need to be removed. He stated that the driveway on the east side of the 1925 Everett Road office building will remain at the current 18 foot width for now but will be widened at the time the south portion of the property is developed. He confirmed that the two drive through lanes are separated by a low wall and then merge into a single lane as they approach the pickup window. He stated that it is anticipated that Starbucks hours will be 4:30 a.m. to 8 p.m., the same as the hours of the existing Starbucks.

Hearing no further questions from the Commission, Chairman Dixon invited public comment. Hearing none, he stated that two pieces of correspondence were received and were admitted into the record for this petition. He closed the public hearing. He invited final comments from the members of the Commission.

Commissioner Pasquesi stated that based on the challenges of the site, he supports moving forward with incremental development. He acknowledged that the current plan does not address the south portion of the site and that the remainder of the site will need to be addressed in the future. He stated that by proceeding with development of the Starbucks, there will be a better understanding of traffic flow on the site and the amount of activity resulting from the Starbucks which will help to inform future decisions.

Commissioner Moorhead stated that he is satisfied that the criteria for a Special Use Permit are met. He stated that as with many Special Use Permits, some modifications may be necessary in the future as the site evolves.

In response to questions from Chairman Dixon, Ms. Czerniak confirmed that the access at the south portion of the site will be activated as part of the Starbucks development.

She stated that the remainder of the south portion of the site will remain gravel. She stated that the petitioner has stated the intent to improve the streetscape along the south portion of the property on an interim basis with a fence and landscaping. She stated that the Commission could request that the streetscape treatment be considered by the Building Review Board at the time the design aspects of the Starbucks building are presented for review.

Commissioner Pickus stated support for the petition noting that the applicable criteria are satisfied. He stated that dedication for the right of way required for the intersection improvement will be important to allow the intersection to function better.

Commissioner Nehring commented that the property owner has worked cooperatively with the City in an effort to move this project forward and to support the planned intersection improvements. She expressed confidence that if problems arise, the owners will address them. She stated that the Commission can rely on the Building Review Board to address design issues.

Commissioner Thomas stated that he reviewed the history of the property and the challenges it presents. He stated that the plan presented appears to be a good solution as a next step for the property. He stated support for the conditions as proposed by staff.

Hearing no further comments from the Commission, Chairman Dixon invited a motion.

Commissioner Davie made a motion to recommend approval of a Special Use Permit for Starbucks with a drive through on the southeast corner of Everett and Waukegan Roads generally consistent with the site plan presented. He noted that the motion is based on the findings in the staff report which are adopted by the Commission as part of the motion. He pointed out, for the record, that the site plan designates the south portion of the overall site for future development which will be subject to City review and approval. He stated that the motion is subject to the following conditions of approval.

1. The building, landscaping, hardscape, signage, and exterior lighting shall be subject to Building Review Board review and approval.
 - The Building Review Board is asked to review pavement markings and on site signage at the two conflict points near the vehicle exit from the drive through.
 - The Building Review Board is asked to review fencing, landscaping, or a combination of both for the Waukegan Road street frontage of the vacant portion of the property.
2. All required IDOT reviews and approvals shall be obtained prior to the issuance of permits for the Starbucks site.

3. When a plan is considered for development of the remainder of the site, particular attention should be paid to opportunities for expanded pedestrian connections throughout the site.

The motion was seconded by Commissioner Nehring and was approved by a vote of 7 to 0.

4. Public Hearing and Action: Consideration of a tentative and final Plat of Condominium to allow each condominium unit in the building now under construction at 715 and 719 McKinley Road to be held in separate ownership and to identify common and limited common areas. No changes to the previously approved site plan or building are proposed.

Property Owners and Representatives: 715 N. McKinley, LLC (Peter Witmer 50%, Todd Altounian 50%)

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 a presentation from the petitioner.

Ms. Czerniak stated that a plat of condominium for the third phase of the McKinley condominium development is presented to the Commission for review consistent with required procedures. She explained that a plat of condominium is required to allow individual units to be sold to buyers once the base building is completed. She clarified that the plat of condominium does not change any of the prior approvals or requirements granted for the development. She noted that the plat of condominium identifies private spaces, common areas, and limited common areas on each floor and in the garage and on the roof. She noted that after City Council approval, the plat will be recorded, and the individual units sold to buyers. She commented that all of the units are under contract.

In response to questions from Commissioner Nehring, Ms. Czerniak stated that only the second floor units have access to the roof. She stated that each of the units on the second floor have identified private spaces on the roof as reflected on the plat.

Hearing no further questions from the Commission, Chairman Dixon invited public comment. Hearing no further public comment, Chairman Dixon invited follow up questions from the Commission. Hearing no further questions from the Commission, he invited a motion.

Commissioner Davie made a motion to recommend approval of the Plat of Condominium for the building addressed as 715 and 719 McKinley Road to the City Council subject to the following conditions of approval.

Prior to recording the Plat of Condominium with Lake County, the following conditions shall be satisfied:

1. The plat shall be subject to final review and approval by the Director of Community Development, City Engineer and City Attorney.
2. All applicable fees must be paid in full.

The motion was seconded by Commissioner Pasquesi and was approved by a 7 to 0 vote.

5. Public Hearing and Action: Consideration of a request for tentative and final approval of a two lot Resubdivision and associated variances at 195 E. Onwentsia Road.

Property Owners: Matt and Nicole Eisler

Representative: Nick Patera, Teska Associates, Inc.

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 a presentation from the petitioner.

Mr. Patera stated that the petitioners recently purchased the property after having walked by it many times as neighbors living down the street. He stated that the property is 3.8 acres located on the south side of east Onwentsia Road. He stated that the property is large enough to accommodate a lot in depth subdivision in full conformance with the 66,000 square foot minimum lot size exclusive of the driveway as required by the Code. He noted however that the unique aspect of the property is the intact Jens Jensen landscape which has been taken care of meticulously by the prior owners Alice and Ren Goltra. He stated that the petitioners desire to preserve and protect the garden intact, as originally designed, while still providing a reasonably sized buildable lot on the rear of the property. He stated that the house and Jens Jensen garden were designed and constructed in 1928. He stated that the house was later expanded with an addition designed by Stanley Anderson. He stated that the historic garden plan did not include the rear portion of the property where the new lot is proposed. He pointed out the existing service drive on the east side of the property noting that the 12 foot driveway to the rear lot is proposed in the same location, close to the east property line with landscape screening to prevent headlight impacts on the neighboring home. He reviewed the proposed plat of subdivision which would create a rear lot, a lot in depth, beyond the land area within the original garden plan. He noted that a landscape buffer is proposed all around the new lot to provide screening from surrounding homes. He presented a concept plan showing a potential footprint for a home on the proposed lot. He stated that the petitioners intend to offer the lot for sale. He presented an alternative concept for a lot in depth subdivision that fully meets the Code requirements noting that the rear lot slices through the historic landscape. He reiterated that the proposed subdivision plat leaves the historic landscape fully intact to be cared for by the petitioners. He noted that with the proposed plan, a 60,000 square

foot lot is achieved adding that the unique conditions on this site are not applicable to other properties.

Ms. Czerniak noted that all of the Commissioners visited the site. She stated that the property is located in the Green Bay Road Historic District. She pointed out that many of the lots along Onwentsia Road are very deep and as a result, several lots in depth have been created along the street. She stated that the property is large enough to be subdivided without any variances and explained that a variance from the minimum lot size is requested to allow an historic landscape to remain intact and preserved in its entirety on the front lot. She stated that the overall lot is 97,940 square feet and as proposed, the rear lot is 60,483 square feet, exclusive of the driveway. She stated that the minimum square footage required for a lot in depth in the R-4 District is 66,000 square feet, exclusive of the driveway. She stated that if the proposed shared property line between the front and rear lots is shifted to the north, a rear lot of 66,000 square feet can be achieved in full conformance with the Code however, the historic landscape would be bisected. She pointed out that as proposed, all of the required setbacks are satisfied and noted that the Code requires 50 foot setbacks on all sides of the rear lot. She stated that whether the rear lot is 60,000 square feet or 66,000 square feet, the 50 foot setback from all property lines applies. She noted that as proposed, the proposed subdivision plat establishes a landscape buffer within the setback area which will require existing vegetation or replacement vegetation of the same density to remain along the property lines. She stated that given the unique conditions on the site, staff finds that the criteria for a variance are met. She stated that findings in support of the petition are detailed in the staff report. She noted that the prior owners were careful stewards of the historic landscape features and passed the property on to the new owners with the hope that the careful stewardship will continue. She stated that the staff report recommends support of the tentative and final plat of subdivision subject to the conditions as detailed in the report. She noted that concurrent approval of the tentative and final plats is appropriate because no new public infrastructure is required. She stated that at the time a new house is proposed for the rear lot, the Historic Preservation Commission will consider the site plan, design aspects of the home, and the exterior materials.

Commissioner Barrett acknowledged that the property line between the two lots could be shifted to the north but noted that the impact on the landscape rooms and features would be significant.

In response to questions from Commissioner Moorhead, Mr. Patera stated that the original property included the utilitarian parcel at the rear likely as a working production garden and orchard. He confirmed that the rear of the site was not part of the historic garden plan. He stated that the limestone connecting path was a later addition to connect the formal landscape area with the production area and utility shed.

In response to questions from Commissioner Pickus, Mr. Patera confirmed that the motor court for the existing house will remain intact and the access drive will extend from

Onwentsia Road, along the east property line, to the rear lot. He stated that utilities can be bored to the rear lot if necessary to avoid impacting trees.

In response to questions from Commissioner Pickus, Ms. Czerniak stated that the landscape plan for the rear lot will be subject to review by the Historic Preservation Commission at the time a new house is proposed for the lot. She confirmed that the review will include landscaping along the east property line to screen the driveway. She stated that the landscaping will be the responsibility of the owners of the rear lot unless otherwise agreed to privately with the petitioners at the time the lot is sold.

In response to a question from Commissioner Nehring, Mr. Patera confirmed that irrigation lines and water lines will be relocated as necessary. He stated that half of the tunnel of evergreens will need to be removed and the area will be re-landscaped.

Commissioner Thomas stated that he would like to see a condition to assure that the neighboring property is screened from headlights from the driveway.

Chairman Dixon stated confidence that the City Arborist and the Historic Preservation Commission will assure that the landscaping is adequate to address the issues raised. Hearing no further questions from the Commission, Chairman Dixon invited public testimony.

Bill Conopeotis stated that he owns the house to the east noting that the property is troubled, and he has not been able to sell the property. He stated that he has met with the petitioners and has no issue with the subdivision. He stated that he is seeing the site plan for the first time and asked that no more hardships be put on his property. He noted that he had the property sold in 2022 but lost the buyer. He stated that a beautiful estate home can be built on the three acres. He stated that a buyer could subdivide his property. He asked for a commitment to screen the driveway from his home. He stated that he currently rents the home periodically. He stated that his property might be more valuable as two lots as opposed to the existing 1930's home. He noted that as proposed, there is no setback for the driveway and expressed concern about leaving the screening of the driveway up to a third party. He stated that he has been dealing with construction on other lots nearby. He stated that landscape screening will be important to minimize light impacts.

Lisa Staton, 220 Foster Place, noted that she lives directly behind the proposed lot. She questioned what is trying to be preserved and asked that the rear lot be moved to the north to make the lot larger. She asked what size house will be permitted on the proposed rear lot. She noted that the backyard of the new house will be limited noting that the buffer cannot be counted as backyard. She stated that the rear lot should be enlarged to provide more yard space for a new house.

Hearing no further public comments, Chairman Dixon invited a response to public comment from the petitioner.

Mr. Patera stated that landscape screening is proposed along the driveway and will be subject to review by the Historic Preservation Commission to assure an effective buffer. He stated that enlarging the rear lot results in disrupting the Jens Jensen landscape. He stated that as proposed, the garden remains intact. He stated that the rear lot exceeds 60,000 square feet, the standard lot size in the R-4 zoning district, a generous lot.

Chairman Dixon invited response to public comment from staff.

Ms. Czerniak offered a suggestion for a modified condition to more fully address the need to screen the driveway to the rear lot. She stated that as proposed at 60,483 square feet a house of up to 6,638 square feet would be permitted subject to review by the Historic Preservation Commission. She stated that 60,000 square foot lots are very common throughout the community. She reiterated that no variance is requested from the 50 foot setback requirements from all sides of the lot.

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

Commissioner Barrett commented that regardless of whether or not a variance is approved from the minimum lot size, the buildable area on the rear lot would be the same. He stated that no variances are required for the driveway. He noted that what is being preserved is very unique, an intact historic landscape feature.

Commissioner Thomas stated that he is very supportive of the petitioners' efforts to preserve the gardens. He stated that care needs to be taken to make sure that the neighboring property to the east is not negatively impacted.

Commissioner Nehring agreed that the driveway needs to be very carefully screened with landscaping. She noted that the landscape buffers established around the rear lot will create a very private site.

Commissioner Pickus stated support for the petition and the requested variance. He agreed that the driveway needs to be carefully considered to avoid impacting the neighboring property.

Chairman Dixon stated that he had the pleasure of working on the property with the Goltras 41 plus years ago, in the Jens Jensen garden. He stated an understanding of and respect for what is proposed by the petitioners. He noted that the dividing line between the two lots could have been drawn down the middle of the garden, ruining the historic landscape plan that has been so well maintained over the years. He agreed that careful attention needs to be paid to screening the driveway to avoid impacting the property to the east.

Commissioner Moorhead stated that he finds that the variance criteria are satisfied and disagreed with the comment in the staff report that there is not a hardship. He

stated that the hardship, in his opinion, has been created over time as a result of the historic significance of the unique intact landscape features on the site. He stated that the features became historic over time creating the hardship adding that the hardship is not the result of actions by a previous or current property owner.

Hearing no further comments from the Commission, Chairman Dixon invited a motion.

Commissioner Pasquesi made a motion to recommend tentative and final approval of the plat of subdivision for the 195 E. Onwentsia Road property along with the associated variance from the minimum lot size for the rear lot of a lot in depth subdivision to the City Council subject to the following conditions.

1. A detailed landscape plan shall be submitted for the area to the east of the driveway to Lot 2. To the extent possible, the driveway alignment shall be tweaked to angle headlights away from the neighboring property to the east. The Historic Preservation Commission is directed to pay careful attention to protecting and preserving healthy trees near the driveway and to directing headlights away from the neighboring home. The landscape plan shall be subject to review and approval by the City's Certified Arborist to assure consistency with the Historic Preservation Commission's approval and appropriate sizes at the time of plantings.
2. Prior to the recording of the plat of subdivision, all applicable fees shall be paid.
3. Historic Preservation Commission review is required for the future new house on Lot 2. Any alterations proposed to the existing residence will be subject to review and approval by the Historic Preservation Commission.

The motion was seconded by Commissioner Barrett and was approved by a vote of 7 to 0.

6. Additional public comment on non-agenda items

There was no additional public comment presented on non-agenda items.

7. Additional information from staff.

There was no additional information presented by staff.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Catherine Czerniak
Director of Community Development