

Zoning Board of Appeals
Proceedings of the October 23, 2018 Meeting

A regular meeting of the Lake Forest Zoning Board of Appeals was held on Tuesday, October 23, 2018 at 6:30 p.m., in the Council Chambers at City Hall, 220 E. Deerpath, Lake Forest, Illinois.

Zoning Board of Appeals members present: Chairman Mark Pasquesi and Board members James Moorhead, Michael Sieman, Richard Plonsker, Nancy Novit, Kevin Lewis and Lisa Nehring

Zoning Board of Appeals members absent: None

Staff present: Michelle Friedrich, Planning Technician and Catherine Czerniak, Director of Community Development

1. Introduction of Board members and staff, overview of meeting procedures.

Chairman Pasquesi reviewed the role of the Zoning Board of Appeals and asked members of the Board and staff to introduce themselves.

2. Consideration of the minutes from the September 24, 2018 meeting.

The minutes of the September 24, 2018 meeting were approved as submitted.

**3. Continued consideration of updates to the Elawa Farm Master Plan and Special Use Permit. Elawa Farm is located at 1401 Middlefork Drive.
Owner: The City of Lake Forest
Representatives: City Staff and Elawa Farm Tenants**

Chairman Pasquesi introduced the agenda item noting that the Board is continuing its discussion on this petition from several previous meetings. He noted that at the last meeting, the Board concluded its discussion and closed the public hearing on all aspects of the petition except for matters relating to events and farm animals. He asked the Board for any Ex Parte contacts or conflicts of interest. Hearing none, he stated that given the extensive presentations and Board discussion to date, the Board will move directly to inviting public comments on the two open topics and comments on the draft conditions pertaining to those topics now before the Board for action.

Katherine Duffy, 1102 Emmons Court, stated that she is a representative of the Middlefork Farm Homeowners' Association. She noted that a comment was made at the last meeting suggesting that the City should offer a venue for weddings and wedding receptions. She stated that she disagrees that the City should take on that

role. She pointed out that weddings and private receptions are not held at the Library or at other City parks.

Cathy Ramsey, 925 Acorn Trail, stated that she lives in the Middlefork Farm Subdivision, but to the southeast of Elawa Farm. She said that their family walks their dogs, bikes and runs near Elawa Farm and finds it to be a wonderful area for those sorts of activities. She stated however that she has observed Elawa Farm becoming more crowded. She noted that increased traffic and school busses shuttling people into and out of the area are a concern. She stated that in her opinion, this facility should not be a revenue generator for the City or for the Elawa Farm Foundation.

David Trace, 1002 Aynsley Avenue, stated that his two young children love Elawa Farm and the Wildlife Discovery Center adding that his family visits the Market and Garden frequently. He expressed concern about the speed of cars driving through the neighborhood when young children are present. He added that noise from evening events has disrupted his children's sleep. He noted that the Elawa Foundation is proud of the increased activity at Elawa Farm and he suggested that the Foundation should encourage visitors to Elawa Farm to donate to support the Farm to replace the revenues generated by renting out the facility for private weddings.

Hearing no further public testimony, Chairman Pasquesi closed the public hearing. He invited comments from the Board and suggested that the Board first discuss the condition related to farm animals.

Board member Lewis reviewed the condition relating to farm animals as proposed. He noting that a one year pilot program allowing up to ten chickens at the Farm during the summer of 2019 is authorized by the condition. He noted that if continuation of the program beyond 2019 is desired, further amendment to the Special Use Permit, with public consideration by this Board, is required.

Board member Sieman stated support for the condition as presented adding that in his opinion, more than ten hens on the site during the pilot program would be reasonable.

Hearing consensus from the Board on the condition relating to farm animals, Chairman Pasquesi requested Board comment on the condition that pertains to events.

In response to questions from Board member Novit, Ms. Czerniak confirmed that once the City Council receives the Board's recommendations on use, the Council will reconsider the governing structure of Elawa Farm, how responsibilities relating to the operation and maintenance of the Farm are assigned and funding in the context of any limitations put on the use of the facility.

Chairman Pasquesi noted that the current Special Use Permit allows 12 amplified events each year. He pointed out that based on the information and the testimony

provided to the Board, the number of amplified events held in recent years has far exceeded the number permitted. He noted that the excessive number of amplified events is likely responsible for some of the concerns raised by the neighbors.

Board member Novit agreed commenting that if the number of amplified events complied with the approved conditions, the relationship between the Elawa Foundation and the neighbors would likely be better.

In response to questions from Board member Moorhead, Ms. Czerniak confirmed that as drafted, the conditions allow a total of 18 evening events, without limitation as to the number of attendees. She noted that based on the information provided by the Foundation, only a small number of events have 200 attendees, or close to that number which is the maximum permitted on the site at any one time. She stated that currently, there is no restriction on the total number of evening events that can be held at Elawa Farm. She stated that currently, there is only a limit on the number of amplified events and as noted by the Board, the current limitation on the number of amplified events has not been followed.

Board member Lewis noted that the number of events and the size of events is the cause of the neighbors' concerns. He commented that smaller events, held inside the hay barn, do not seem to be a concern for the neighbors.

Chairman Pasquesi noted that based on the information provided to the Board, 46 events with amplified sound were held in 2017 and 42 events with amplified sound were held in 2018. He noted that as proposed, both the total number of evening events and the total number amplified events will be significantly reduced. He stated that the main concern for the neighbors appears to be noise and traffic. He stated that the conditions of the Special Use Permit as now proposed will result in a significant improvement for the neighborhood.

Board member Nehring agreed that as currently proposed, the conditions of the Special Use Permit will result in a drastic decrease in the number of events from the number that have been held in past years. She reiterated that the City Council should take note of that reduction in considering the budget for Elawa Farm and the responsibilities of the Foundation with respect to maintenance and care of the facility.

In response to questions from the Board, Ms. Czerniak noted that based on recent experience at Elawa Farm, part of the problem may stem from the fact that some of the current conditions are not clear or specific enough and as a result, they are interpreted in different ways, by the various parties.

Board member Plonsker stated that he believes that the Middlefork Farm Homeowners' Association proposed six amplified events as a compromise but would prefer no outdoor amplified events. He stated disbelief that the current conditions

have been ignored on an ongoing basis. He stated that in his opinion, the Board should be looking out for the neighbors. He stated that private parties and weddings should not be held at Elawa Farm for the purpose of raising money for the Foundation and ongoing maintenance of the facility. He stated that \$150,000 is not significant in this community and suggested that the City should play a larger role in maintaining the facility. He stated that in his opinion, no outdoor amplified events should be permitted and only indoor fundraising events that directly benefit Elawa Farm should be permitted.

Board member Lewis agreed that the events held on the site have gotten out of control. He noted however that there is a reasonable way to define and limit amplified events adding that there needs to be a clear enforcement process and consequences for violating the approved conditions. He stated that the conditions and recommendations presented by staff are a good attempt to establish a framework for improving upon the current situation. He stated that he is supportive of a reasonable number of amplified events that are conducted in a manner that is not intrusive to the neighborhood.

Chairman Pasquesi agreed that having a clear enforcement process is critical to assure that the conditions as approved are followed but acknowledged that enforcement is outside the purview of the Board. He stated that 12 amplified events per year, as currently proposed, is a fraction of what has been occurring. He stated that Elawa Farm is a community treasure that should be used in a way that is compatible with the surrounding residential neighborhoods.

Board member Sieman agreed that enforcement of the conditions is critical. He agreed that Elawa Farm is a community asset and applauded the Board for agreeing to allow farm animals to be returned to the site on a limited basis. He stated that limiting the number of evening and amplified events should help to mitigate impacts on the neighborhood.

Board member Plonsker reiterated his opposition to evening events, amplified events and events that are disruptive to the neighborhood. He stated support for afternoon, peaceful events and indoor events. He questioned whether the conditions as currently proposed define "events" clearly enough given the abuse that has occurred in past years. He suggested that if events are to be allowed, the conditions should permit only a small number of events which can be increased in the future if the conditions are followed and there are no issues.

Board member Novit noted that traffic in the area is not only from events and amplified events held by the Elawa Foundation, but also result from people visiting the Forest Preserve, Elawa Park, the Garden Market, Open Lands and the Wildlife Discovery Center.

Board member Sieman noted that the area to the northeast of Elawa Park is reserved for an elementary school which would generate more traffic in the neighborhood. He stated that traffic enforcement in the area is important.

Board member Moorhead agreed that enforcement of the conditions as approved is critical. He stated that in his opinion, the conditions as now proposed appear to strike a good balance. He reiterated that assuring proper enforcement is the key to successful use of the facility.

Board member Novit noted that based on input from the Elawa Foundation, there are already 13 events booked for 2019.

Board member Nehring stated that the events that are already booked should be allowed in 2019.

In response to questions from the Board, Ms. Czerniak stated that the Board could recommend to the City Council that events already booked for 2019 be allowed as long as the other conditions are fully met.

Chairman Pasquesi stated that in his opinion, the events already booked and contracts entered into should be honored.

In response to questions from Board member Lewis, Ms. Czerniak reviewed the recommendations in the staff report that speak to: enforcement, identifying who is responsible for monitoring activity in the area cumulatively, and reconsidering the financial obligations of the Elawa Foundation in light of the recommended limitations on the number of private rental events.

In response to Board member Plonsker, Ms. Czerniak stated that whether or not to allow the events already booked for 2019 to proceed will be up to the City Council.

In response to questions from Board member Lewis, Ms. Czerniak noted that the City Attorney is currently reviewing the operating agreement between the City and the Elawa Farm Foundation and that discussions about enforcement and oversight are also underway.

Board member Lewis stated that the Board appears to be in general agreement that events can be held at Elawa Farm in some fashion, and as long as they are not detrimental to the neighborhood and provide a benefit to the community as a whole. He reviewed that under the proposed conditions, on an annual basis, up to six amplified events can be held at Elawa Farm along with up to 12 non-amplified events that extend past 6 p.m. He added that no more than two amplified events can occur within any 30-day period. He pointed out that a definition of amplified is now included in the conditions.

In response to questions from Board member Plonsker, Ms. Czerniak reviewed that as presented, "amplified event" is defined as any gathering at which electronic means are used to increase or enhance the sound level of music or voices. She noted that as proposed, six amplified events, held during the day or in the evening, are permitted annually. She reviewed that no more than two amplified events are permitted within any 30-day period and that amplified events cannot be held on consecutive evenings. She noted that amplified events are permitted only in the Private Rental Event Area located west of the Wagon Shed and in the Hay Barn. She noted that events held in the farm buildings, with doors closed, are permitted to use amplification for individuals speaking to groups and are not counted toward the six permitted amplified events.

Board member Plonsker noted that in his opinion, the conditions as proposed relating to events and amplified events do not seem equitable to the neighbors.

Board member Lewis summarized that based on the proposed conditions, the neighborhood can expect to hear amplified sound from six events. He added that no more than two of those events will occur within any 30-day period. He noted the Board's discussion about establishing decibel levels during the consideration of other petitions and suggested that further consideration could be given to that approach.

Chairman Pasquesi noted that the conditions as recommended clearly define "amplified event" and establishes limits for those types of events. He asked for final comments from the Board. Hearing none, he invited a motion.

Board member Lewis made a motion to recommend the following to the City Council:

1. Approval of the Updated Elawa Farm Master Plan.
2. Approval of amendments to the Special Use Permit including the conditions as detailed on Exhibit A to these minutes.
3. The Board further recommends that the City Council:
 - a. Allowing the events already booked for 2019, for which contracts are already entered into, to proceed even though the number exceeds the number of events permitted in the amended conditions. The events should abide by all other limitations as established by the amended conditions.
 - b. Establish a process and identify the party responsible (the Coordinator) for monitoring cumulative activity in the area.

Elawa Farm is unusual in that it is adjacent to other properties that are open to the community and used for community events. Ongoing coordination and communication between all parties: Lake Forest Open Lands Association, the Lake County Forest Preserves District, City of Lake Forest Parks, Recreation and Forestry Department, the City of Lake Forest Special Events Coordinator and the Middlefork Farm

- Homeowners' Association is critical to avoid scheduling conflicts, congestion and overuse of the area.*
- c. Establish a clear process for enforcement of the Master Plan and conditions of the Special Use Permit. Identify the party or parties responsible for enforcement, detail the enforcement process and specify consequences for violations.
 - d. Re-examine the financial aspects of Elawa Farm, but not to negatively impact the use of the Farm.

The motion was seconded by Board member Sieman and was approved by a vote of 6 to 1 with Board member Plonsker voting nay for the reasons he previously stated.

5. Public testimony on non-agenda items.

No public testimony was presented to the Board on non-agenda items.

6. Additional information from staff.

Ms. Friedrich asked the Board for comments on the 2019 Zoning Board of Appeals' meeting schedule which was included in the Board's packet.

Hearing no comments, Chairman Pasquesi asked for a motion approving the 2019 Meeting Schedule.

Board member Lewis made a motion to approve the 2019 Meeting Schedule.

The motion was seconded by Board member Novit and was approved by the Board by a vote of 7 to 0.

The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Michelle E. Friedrich
Planning Technician

EXHIBIT A
Amended Conditions of Approval and Operating Parameters
As Recommended by the Zoning Board of Appeals on October 23, 2018

Daily Use Activities

1. **Definition:** Uses at Elawa Farm shall be consistent with the vision stated in the Updated Master Plan adopted as an exhibit to the Amended Special Use Permit. As described in the Master Plan, “Daily Use Activities” are those activities offered and managed by the tenants at Elawa Farm (at the time of this adoption, the Elawa Farm Foundation and the City of Lake Forest Wildlife Discovery Center) to provide opportunities in the fields of environmental and wildlife education, gardening, conservation, environmental restoration, architecture, history, gentlemen farming, preservation, local culture, and passive recreation experiences. (Note: It is acknowledged that if tenants at Elawa Farm change, this Special Use Permit and the Master Plan will be reviewed and further amended as necessary.)

Daily Use Activities at Elawa Farm include classes, programs, demonstrations, workshops, tours, field trips and lectures. Unscheduled drop-in visits by members of the public and normal tasks associated with caring for and maintaining the Garden and the Wildlife Discovery Center are also considered Daily Use Activities.

2. **Public Use:** Elawa Farm is primarily intended for public use by Lake Forest residents. The outdoor grounds of Elawa Farm, the Garden and the Natural Area are generally accessible to the public from dawn to dusk.
3. **Tenant Use:** The Elawa Farm facilities, farm buildings and courtyards, are available for tenant sponsored Daily Use Activities as described in condition #1, seven days a week, until 9:30 p.m. subject to prior scheduling and approval by the Coordinator (see condition #9).
4. **Field Trips:** Field trips for students are considered Daily Use Activities and are permitted up to 16 times per years, two days per week, during the months of September, October, early November, April and May.
5. **Parking:** All staff, volunteer, contractor, participant, guest and visitor parking for Elawa Farm for Daily Use Activities shall be in the on-site parking lot, or off site, not on the residential streets in the Middlefork Farm Subdivision except for limited events which are open to the general public subject to approval by the Coordinator.
6. **Farm Animals:** Farm animals, defined as animals typically found on a farm in the Midwest, are permitted on the site on a limited basis only in the overlay area designated in the Master Plan, the southern portion of the Garden.
 - i. Farm animals, for events such as a petting zoo or other demonstrations, are permitted at Elawa Farm up to 5 days per year.
 - ii. No farm animals may be kept on the site overnight with the following exceptions:

- a. An incubator, housed in the farm buildings, for an “egg to chicken” demonstration is permitted.
- b. A pilot program is authorized from June 1, 2019 through September 1, 2019 allowing up to 10 adult hens to be kept on site, wholly within the overlay area designated in the Master Plan, the southern portion of the Garden. The chickens must be secured in a temporary pen/chicken coop which must be removed at the end of the pilot program. At the conclusion of the pilot program, establishing the program on a permanent basis may only be considered through further amendment to this Special Use Permit.

Any and all required licenses, permits or approvals related to farm animals must be obtained from outside agencies to meet all applicable health and life safety requirements and must be submitted to the Coordinator a minimum of 30 days prior to bringing animals on to the site.

Events

7. Definition: Events are activities other than Daily Use Activities and fall into two categories: 1) Events sponsored by the Elawa Farm tenants and open to the public free of charge, by donation or through purchase of a ticket; and 2) Private Rental Events hosted by private individuals or companies, not hosted by Elawa Farm tenants and not open to the public. Both types of events are intended to produce revenues to support the ongoing maintenance of the Elawa Farm facilities and the tenants.
8. Priority: Priority for reserving space shall be given to Elawa Farm tenants for Daily Use Activities and Events.
9. Requirements for all Events: The following minimum requirements shall be met for all Events:
 - a. Site Capacity. No Event shall exceed 200 people cumulatively on the site at one time due to site capacity limitations, public safety concerns and impact on the surrounding area.
 - b. Day time Events. Day time Events are encouraged to minimize the need for evening Private Rental Events.
 - c. Evening Events. No more than 12 non-amplified Events extending past 6:00 p.m. are permitted annually.
 - d. Amplified Events. Amplified Events are defined as any Event at which electronic means are used to increase or enhance sound inclusive of music and voices. Six (6) amplified Events, inclusive of day time and evening Events, are permitted annually. No more than two (2) amplified Events are permitted within any 30-day period and amplified Events are not permitted on consecutive evenings. Amplification is permitted only in the Private Rental Event Area located west of the Wagon Shed and in the Hay Barn. *Exception:* Events held within the farm buildings, with doors closed, are permitted to use amplification only for individuals speaking to groups and these Events will not be counted toward the six (6) permitted amplified Events.

- e. End Time. Events shall end no later than 11 p.m. on Friday and Saturday evenings and 10 p.m. on other days of the week.
- f. Alcohol. The service of alcohol shall end 30 minutes prior to the scheduled end of the event.
- g. Shuttle Service. For all events with planned attendance of 75 people or more, off-site parking and shuttle service must be provided and event attendees shall be required to use the shuttle service. Shuttle service shall end no later than 45 minutes after the Event and in no case, later than 11:45 on Friday and Saturday and 10:45 on other days of the week. Shuttle vehicles shall avoid the use of flashing lights and shall drop-off and pick-up passengers in an area located away from the neighboring homes.
- h. Parking. Valet parking and parking on residential streets for any purpose related to Evening Events is prohibited.
- i. Tents. Tents shall be located only in the areas designated in the Master Plan and must be a minimum of 20 feet away from all farm buildings. The siting and installation of tents shall be subject to inspection by City life safety inspectors.
- j. Canopies. Canopies to provide overhead shelter from the rain and sun, without walls, are permitted in areas as designated in the Master Plan and must be a minimum distance of 10 feet away from all farm buildings. The siting and installation of canopies shall be subject to inspection by City life safety inspectors.
- k. A plan for each Event, including details for deliveries, setup, drop off/pick-up, security and clean-up shall be submitted and will be subject to review and approval by the Coordinator.
- l. No smoking is permitted at Elawa Farm or at Events held at the Elawa Farm facilities in compliance with the City Code and life safety regulations.
- m. Certificates of insurance must be posted when applicable.
- n. A liquor license must be obtained in accordance with applicable regulations.
- o. All applicable fees must be paid and deposits posted.

Garden Market

- 10. The Market shall be managed and operated as directed by the City Council or City Manager and consistent with this Special Use Permit.
- 11. The Market shall be a not for profit operation with proceeds from the sales used for maintenance, operation, restoration and enhancements at Elawa Farm.
- 12. The Market, including any required setup or take down, is permitted to operate between the hours of 8 a.m. and 6 p.m.
- 13. The majority of items for sale at the Market shall be grown or produced on the site with the exception of limited garden and farm related seasonal items which may be brought on to the site for sale.

General Regulations

- 14. Scheduling and Coordinator Responsibilities: All Daily Use Activities and Events at Elawa Farm shall be scheduled in advance with the Coordinator as appointed by the City Council or City Manager. In every case, Daily Use Activities and Events shall be

scheduled and approved only after considering cumulatively, all uses occurring at and near Elawa Farm, at any particular time. (“Cumulative” is intended to include consideration of, for scheduling purposes, activities or events on adjacent properties; Lake County Forest Preserves, Lake Forest Open Lands, Elawa Park and any special events occurring in the area.)

The Coordinator is responsible for maintaining a schedule of Daily Use Activities and Events available on an ongoing basis to all tenants of Elawa Farm, the Middlefork Farm Homeowners’ Association, appropriate City staff and if determined to be helpful, to adjacent landowners; the Lake County Forest Preserves District and Lake Forest Open Lands Association. The schedule shall include, but not be limited to, the following: number of participants, hours, location and type of activity or event.

The Coordinator is responsible for assuring that Event management/security staff are on site to monitor and manage all Events in a manner consistent with the Special Use Permit and other applicable requirements.

15. No activity at Elawa Farm shall obstruct public streets or sidewalks without specific authorization from the City and an open route for emergency access into the site through the Main Courtyard, in a north/south direction must be maintained at all times.
16. No overnight use of or activities are permitted at Elawa Farm except for use of the caretaker’s cottage in a manner typical for a single family residential house and activities necessary to support care and oversight of the Wildlife Discovery Center animals.
17. At no time shall the number of people in each of the individual interior spaces at Elawa Farm or the number of people at Elawa Farm in its entirety, exceed the maximum capacity as permitted by Fire Code and as posted in accordance with that Code throughout the facility. The use of tents for specific events shall not allow the maximum overall site capacity, as posted on the site, to be exceeded.
18. Elawa Farm shall not be used as a Polling Place for primary, general or special elections.
19. Any new buildings, alteration of existing buildings and any significant fencing or gates that may be proposed, beyond fences for utilitarian purposes which are in full conformance with the City Code, shall be subject to the review and approval of the Historic Preservation Commission.
20. No permanent outdoor lighting shall be permitted except safety and security lighting which shall be installed in compliance with Code and permitting requirements. Lighting beyond that needed for safety and security shall require review and approval by the Historic Preservation Commission with consideration given to the intensity of lighting and proposed light fixtures to assure that the residential and historic character of the neighborhood and site are preserved. Lights, other than for safety and security purposes shall be turned off after hours.

21. Signage for Elawa Farm and the various tenants now and in the future shall be consistent with the signage plan approved by the Historic Preservation Commission and as it may be amended in the future.

Other

22. On an annual basis, the Coordinator shall provide a report to the Director of Community Development or designee detailing: the number and frequency of Events, the type of Events, the number of attendees at each Event and any issues, complaints or non-compliance resulting from the Events. The report shall be used as one means to verify ongoing compliance with the conditions of the Special Use Permit.