



MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
JULY 09, 2020 – VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET

Call to Order Chair Rigoni called the meeting to order at 6:30 P.M.

Commissioners Present: Will Markunas, Kris Michuda, Lisa Hogan, Ken Guevara, Dan Knieriem, Michael Leddin and Chair Maura Rigoni

Commissioners Absent: None

Staff Present: Assistant Director of Development Services Zach Brown and Utilities Executive Assistant Marina Zambrano

Elected Officials Present: Mayor Jim Holland, Liaison to the Village Board Trustee John C. Clavio and Trustee Keith Ogle

Mayor Jim Holland Swore in new Plan Commission member, Michael Leddin.

A. Approval of the Minutes from May 28, 2020

Motion (#1): Approval of the minutes from May 28, 2020

Motion by: Hogan Seconded by: Knieriem
Approved: (7 to 0)

Chair Rigoni swore in all those wishing to provide public testimony.

B. Public Hearing Request: Trafton Variances (Ref.#102)

Public Hearing Request: Variances of accessory structure setback from 10 feet to 5 feet along the northern property line and 5 feet to 3 feet along the eastern property line, accessory structure height from 15 feet to 20 feet, and pavement setback from 5 feet to .5 feet to permit the construction of a detached garage on the property located at 115 W. Nebraska Street.

Assistant Director of Development Services, Zach Brown presented the staff report and provided an overview of the request. The applicant Richard Trafton was present and further described the request noting that he worked hard with his engineer to address the drainage concerns expressed at the workshop meeting and that the previously proposed vinyl siding was revised to a composite material.

During the Plan Commission Discussion:

- Commissioners questioned the revised drainage plan. Staff noted that a new drain tile would be installed in the rear yard to capture runoff from the downspouts and sump pump on the existing home, the downspouts on the new garage, and the offsite flows from the property to the west and convey those flows to an existing storm sewer along Nebraska Street;
- Staff presented an email from the Village's outside engineering consultant who agreed that the proposed improvements would capture 85% of the runoff from the site. The applicant noted that at present 100% of the water flows overland towards the property to the east;
- Commissioners discussed the height of the garage and noted that it blends in well with the other homes in the area. Members clarified that the garage would not be approved for living space;
- Commissioners noted that detached garages are preferred in the old town area and that the proposal was consistent with the recently adopted downtown residential design guidelines;
- The applicant noted that the increased garage height was intended to accommodate storage as the existing home is not improved with a basement;
- Chair Rigoni noted that the improvements were reviewed by the Historic Preservation Commission (HPC) on March 4th meeting who recommended approval conditioned upon utilization of either Benjamin Moore paint color Hale Navy (HC-154) or Newburyport Blue (HC-155);
- Deborah Hardwick, neighboring resident to the east (111 Nebraska Street), expressed concern for drainage and snow removal in the winter months noting that she has plans to re-landscape her rear yard along the shared property line;
- Ms. Hardwick noted that the garage would not require a setback variance from the northern property line if the new addition were not constructed as they would be able to shift the garage 5' further south and maintain the required 10' separation from the existing home;
- Ms. Hardwick suggested the Village consider a variance of the required 10' separation between the home and the garage instead of a setback variance from the northern property line and expressed concern regarding her property value were the variances approved;
- Ms. Hardwick noted that at the workshop meeting the applicant indicated the new driveway would maintain a 3' setback which she preferred to allow for better infiltration of rainwater should the engineering design not function as intended and would provide more room for car doors to open without damaging her fence;

- Ms. Hardwick suggested the use of a “grass ribbon” style driveway as noted in the downtown residential design guidelines or permeable pavers;
- Ms. Hardwick stated that she believed that the requested variances did not meet the standards of variance contained in the zoning ordinance;
- Commissioner Michuda questioned the width of the proposed driveway. Staff confirmed the driveway measured 14.9’ wide. Ms. Michuda suggested the driveway be reduced in width or shifted to the west to increase the setback;
- The applicant noted that he currently does not have any drainage issues on his driveway and that the new driveway will maintain the same grade. Mr. Trafton noted that there is a 3’ area to the west of the driveway along his home that he will use for snow during the winter months;

Commissioners discussed the standards of variance and entered the following findings of fact:

Accessory Structure Setback

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*

Increasing the setback of the proposed garage to comply with ordinance requirements would further restrict the usable area of the rear-yard and reduce the resale value of the property.

2. *That the plight of the owner is due to unique circumstances;*

The subject property is nonconforming with respect to lot width. Were the property to comply with minimum width requirements a variance would not be required.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Many accessory structures in the area maintain reduced setbacks as they were constructed prior to the adoption of the current zoning ordinance requirements. Similar setback variances were approved for the property immediately to the east.

Height Variance

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*

Basements are common in single family homes. The home on the subject property does not have a basement and the increased garage height is intended to accommodate storage. Reducing the height of the garage to comply with ordinance requirements would limit storage space and reduce the resale value of the property.

2. *That the plight of the owner is due to unique circumstances;*

Village ordinance requires garages maintain a similar appearance to the primary structure to which they are associated. The increased height is also intended to replicate the roof pitch and appearance of the existing home.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Two-story detached garages exceeding 15' in height are common in the Old Town Area. The detached garage on the property to the east measures 27.5' tall.

Driveway Setback

1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*

The proposed driveway measures ±14.9' wide. Reducing the width of the driveway to comply with setback requirements would limit the usability of the drive and therefore reduce the resale value of the property.

2. *That the plight of the owner is due to a unique circumstances; and*

The property is of a reduced lot width which limits the ability to accommodate a driveway of a useable size.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Numerous properties in the area have driveways that are nonconforming to setback requirements including the property immediately to the east. The existing driveway on the property maintains a reduced setback of .5'.

Motion (#2): Recommend the Village Board approve an accessory structure setback variance from 10' to 5' along the northern property line to permit the construction of a detached garage in the rear yard of the property located at 115 Nebraska Street in accordance with the reviewed plans and public testimony;

Motion by: Hogan
Approved: (7 to 0)

Seconded by: Guevara

Motion (#3): Recommend the Village Board approve an accessory structure setback variance from 5' to 3' along the eastern property line to permit the construction of a detached garage in the rear yard of the property located at 115 Nebraska Street in accordance with the reviewed plans and public testimony;

Motion by: Hogan
Approved: (7 to 0)

Seconded by: Markunas

Motion (#4): Recommend the Village Board approve an accessory structure height variance from 15' to 20' to permit the construction of a detached garage in the rear yard of the property located at 115 Nebraska Street in accordance with the reviewed plans and public testimony and conditioned upon prohibiting residential use of the proposed garage;

Motion by: Hogan
Approved: (7 to 0)

Seconded by: Knieriem

Motion (#5): Recommend the Village Board approve a pavement setback variance from 5' to .5' to permit the replacement and expansion of the driveway on the property located at 115 Nebraska Street in accordance with the reviewed plans and public testimony;

Motion by: Guevara
Approved: (6 to 1)

Seconded by: Hogan

Nay: (1) Michuda

Aye: (6) Guevara, Markunas, Leddin, Knieriem, Hogan & Rigoni

Motion (#6): Short recess prior to next public hearing request (7:15 PM)

Motion by: Hogan

Seconded by: Michuda

Chair Rigoni called the meeting back to order and swore in all those wishing to provide public testimony (7:30 PM)

**C. Public Hearing Request: Homestead Commercial Development PUD (Ref.#108)
(Note: Hearing to begin no earlier than 7:30 P.M in accordance with published legal notice.)**

Public Hearing Request: Special use permits for a planned unit development, outdoor seating, and a drive-thru to permit the construction of a 9,600 square foot multi-tenant commercial shopping center on the property located at the southwest corner of Wolf and Laraway Roads. Other request: Preliminary plat approval.

Assistant Director of Development Services, Zach Brown presented the staff report and provided an overview of the request. The applicant's attorney, Andrea Crowley was present and noted that the location of the drive-thru speaker was revised to the east side of the building facing Wolf Road to address noise concerns. Ms. Crowley stated that a drive-thru and outdoor seating area will be a requirement for most national tenants especially during the covid-19 era. Ms. Crowley noted that the proposed building exceeds the required setback from the adjacent residential properties, that the provided landscaping is in excess of ordinance requirements, and that a new fence is proposed along the south and west property lines.

During the Plan Commission Discussion:

- Commissioners questioned the status of engineering review and drainage. Staff noted that preliminary engineering plans were approved;
- Members discussed site access and traffic patterns noting that adjacent residents expressed concerns during the workshop meeting;
- Commissioner Michuda noted her experience with a similar access pattern in the development at the southwest corner of Harlem Avenue and Route 30 and expressed her belief that the Laraway access should be a full access and that Wolf Road should be limited to a right-in / right-out;
- The project engineer Mike Ford noted that Laraway Road is under the jurisdiction of the Will County Highway Department and that their future expansion plans for Laraway include a non-mountable barrier median which would not accommodate a full access point to Laraway Road;
- Commissioners discussed the vertical curve on Wolf Road south of Stoll Road and noted the speed study conducted by the Police Department. Several Commissioners suggested that speeding may be a problem and that additional enforcement may be necessary;
- Mr. Brown noted that the Village's outside engineering consultant reviewed the sight distances and roadway profile and confirmed they are consistent with the Village's engineering design standards;
- Commissioners discussed the landscaping and proposed fence. The applicant noted the fence would be a 6' tall gray vinyl privacy fence;
- The applicant noted that by providing the fence they could technically reduce the number of landscape plantings provided in the required transition yard however they did not propose to do so noting that the total plant units exceed ordinance requirements;
- Commissioners questioned the number of evergreen plantings as they relate to year-round screening. Staff noted that 75% of the material must be evergreen and that the provided plans complied with this requirement;
- Mr. Brown noted that the landscaping for Phase I and Phase II will be planted at the same time to provide a uniform appearance as the plantings mature;
- Commissioner Michuda questioned whether the required parkway trees will block visibility on Laraway and Wolf Road. Staff noted that sight lines are considered as part of the engineering review process;
- Commissioners noted that the photometric plan is consistent with ordinance requirements and that the parking lot lights will be on shut-off timers;

- Members discussed the outdoor seating area proposed at the northeast corner of the building and questioned if alcohol consumption would be allowed. Mr. Brown noted that alcohol sales would require approval of a special use permit;
- Commissioners discussed adding a condition that outdoor music be prohibited in the seating area;
- Members questioned the hours of operation for the development. Mr. Brown added that specific hours of operation are not known as no tenants are identified however stated that permitted hours of operation in the Village of Frankfort are 7:00 am to 11:00 pm and that operating beyond those hours would require approval of a special use permit;
- Commissioners discussed the proposed drive-thru noting that that the new proposal relocating the menu board and speaker to the eastern façade of the building facing Wolf Road was preferred;
- Commissioners discussed drive-thru noise levels and noted that that speaker sounds are generally not audible beyond 100'. Staff confirmed that the proposed speaker was $\pm 125'$ away from the southern property line and $\pm 175'$ away from the nearest home;
- Fred & Cindy Wiewiora neighboring residents at 11252 Stoll Rd, presented a letter in opposition to the proposed drive-thru and outdoor seating area and letters of support from other residents in the area. Mr. Wiewiora expressed his opinion that the development can be successful without a drive-thru noting that the staff report does not guarantee that there will be no noise or traffic impacts. Mr. Wiewiora noted that the landscape screening may help mitigate drive-thru noise but only after it matures and expressed his opinion that the proposed fence should be taller however would still provide minimal security and mitigation of noise and lights. Mr. Wiewiora expressed concerns for traffic on Wolf Road noting that the proposed development would be dangerous. Mr. Wiewiora reviewed the standards of special use and expressed his belief that the development would reduce property values and impair the use and enjoyment of the adjacent residential properties;
- Robert White, neighboring resident at 11277 Stoll Road, noted that he is not opposed to commercial development but is asking for the drive-thru proposal to be denied citing concerns for noise, traffic, congestion, and safety. Mr. White expressed his belief that the staff report was misleading with respect to drive-thru noise and that staff's observations merely confirmed that noise levels reduce with distance and that businesses without a drive-thru are quieter. Mr. White suggested the inclusion of a masonry sound wall instead of the proposed vinyl fence;
- David Sesterhenn, neighboring resident at 11276 Stoll Road, noted that the drive-thru speaker is only part of the noise concern and that additional noise will be created by loud radios, loud mufflers, and people talking. Mr. Sesterhenn presented a plan proposed by a previous developer and noted that it was preferred

as most of the vehicles using the site would be located north of the building and away from the adjacent residential properties;

- Adjacent resident Kevin Good noted that when he purchased his home the realtor told him there would not be a drive thru. Mr. Good noted that he is most directly impacted by the proposed drive-thru and that the fence and landscaping will not reduce noise or screen headlights;
- Kim Sesterhenn noted that she never imagined a drive-thru would be proposed on the subject property and expressed her opinion that the Village was desperate for tax revenue. Ms. Sesterhenn encouraged the Plan Commission to vote to keep Frankfort exceptional;
- An adjacent resident living on Janette Court cited concern for traffic and safety and expressed his belief that the proposed development would create cut through traffic on Stoll Road into the adjacent Misty Falls subdivision with motorists leaving the development and attempting to access the traffic signal at Laraway Road and 116th;
- Adjacent resident Lajewell Thompson noted that she was aware the property would be developed commercially however never imagined a drive-thru would be proposed. Ms. Thompson noted that the businesses in the development could close at 11:00 pm which is later than the nearby Walgreen's. Ms. Thompson was not supportive of the proposed vinyl fence noting that vinyl fences are prohibited in some residential areas in the Village of Frankfort;
- David Hurst, resident at 22558 Crimson Lane in Autumn Fields, noted that although he is not a neighboring resident, he feels the drive- thru is not appropriate for this location and that the additional traffic will impact the safety and walkability of the community;
- Kelly Melfi neighboring resident noted that she enjoys the walkable community and feels the proposed development and additional traffic will create a safety issue;
- Chris Sutter of 22362 Jeanette Court questioned what specific tenants the developer was targeting;
- Brian Schipiour of 22317 Jeanette Court expressed concern for traffic and safety noting that there are many accidents at the intersection of Wolf and Laraway Roads;
- David Sesterhenn compared the proposed Wolf Road access to the area along LaGrange Road between Route 30 and Market Street noting that if approved there will be many accidents which would be a strain on the police department;

- The applicant cited the extra measures taken to screen the development and mitigate noise concerns. Ms. Crowley noted that any development on the property will generate more traffic and noise and that they are trying to work with the adjacent resident to address those concerns;
- Ms. Crowley noted that many businesses that did not have a drive-thru prior to the covid-19 pandemic are changing their operations to include them and that a drive-thru is imperative to the success of the development;
- Commissioners thanked the residents for their input and participating in the public hearing;
- Commissioner Guevara noted that he has a personal history with drive-thru development from his time working in commercial real estate for McDonald's. Mr. Guevara noted that by shifting the menu board and speaker to the east side of the building the stacking between the point of order and pickup was reduced such that the unit would not be attractive to national quick service restaurants that generate high volumes of traffic as they generally prefer stacking for 8 vehicles for efficiency in operations;
- Commissioner Guevara noted that the retail environment has changed and that many businesses that previously did not need a drive-up window are providing them in their new concepts citing Tide Dry Cleaners as an example;
- Commissioners discussed the possibility that the drive-thru could merely serve as a pick-up window where orders are placed online or over the phone and not at a menu board and speaker citing examples such as pizza restaurants;
- Commissioners acknowledged that any development of the property has the potential to increase noise levels;
- Chair Rigoni expressed support for the relocation of the speaker and menu board to the eastern façade of the building facing Wolf Road. Ms. Rigoni stated that while the proposed development exceeds ordinance requirements for landscape buffering and includes a fence that is not required the proposed drive-thru orientation and proximity to residential property would be unique amongst all drive-thru facilities in the Village making the decision a difficult one;

Motion (#7): Recommend the Village Board approve a special use for a planned unit development to permit the construction of a 9,600 square foot multi-tenant commercial shopping center on the property located at the southwest corner of Wolf and Laraway Roads in accordance with the reviewed plans and public testimony.

Motion by: Hogan
Approved: (7 to 0)

Seconded by: Knieriem

Motion (#8): Recommend the Village Board approve a special use for a drive-thru in connection with a 9,600 square foot multi-tenant commercial shopping center on

the property located at the southwest corner of Wolf and Laraway Roads in accordance with the reviewed plans and public testimony and conditioned upon installing the menu board and speaker along the eastern façade of the building facing Wolf Road.

Motion by: Hogan

Seconded by: Knieriem

Motion Failed: (6 to 1)

Nay: (6) Michuda, Markunas, Leddin, Knieriem, Hogan, and Rigoni

Aye: (1) Guevara

Motion (#9): Recommend the Village Board approve a special use for outdoor seating in connection with a 9,600 square foot multi-tenant commercial shopping center on the property located at the southwest corner of Wolf and Laraway Roads in accordance with the reviewed plans and public testimony and conditioned upon no outdoor music.

Motion by: Hogan

Seconded by: Knieriem

Approved: (7 to 0)

Motion (#10): Recommend the Village Board approve the preliminary plat for the Homestead Commercial Development in accordance with the reviewed plans;

Motion by: Hogan

Seconded by: Knieriem

Approved: (7 to 0)

D. Public Comments

None

E. Village Board and Committee Update

Trustee Clavio noted that the Village Board approved to extend the closure of Kansas Street and allow for outdoor restaurant seating. Also noting that building permits are at an all-time high.

F. Other Business

Trustee Clavio noted that effective August 1st, 2020, trash cans must be screened from the street view.

G. Attendance Update

All members present confirmed their availability for the next Plan Commission meeting to be held on July 23, 2020.

Motion (#11): Adjournment (10:15 PM)

Motion by: Hogan

Seconded by: Michuda

Unanimously approved by voice vote.

Approved July 23, 2020

As Presented X

As Amended _____

Maura A. Rigoni /s/Maura Rigoni Chair

[Signature] /s/ Secretary