

#### PLAN COMMISSION / ZONING BOARD OF APPEALS AGENDA

#### Thursday, April 25, 2024 6:30 P.M.

Frankfort Village Hall 432 W. Nebraska Street (Board Room)

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes of April 11, 2024
- 4. Public Hearing: 9426 Corsair Road Triple Crown Training/Top Velocity (Ref#109) Public Hearing continued from March 21, 2024

Request: Special Use Permit for indoor recreation for a baseball training facility in the I-1 Limited Industrial District (PINs: 19-09-34-302-013-0000).

- 5. Public Hearing: Abbey Woods North (Ref #108) Public Hearing continued from April 11, 2024 Public Hearing Request: Zoning Map Amendment (rezoning) from E-R (Estate Residential) to R-2 (Single-Family Residential) upon annexation, a variation from the Land Subdivision Regulations (§9.2-2 e) to permit a stub street to the west that does not extend to the boundary line and variations for lot width and depth in connection with a 25-lot single-family residential development on approximately 18 acres located south of W. St. Francis Road as an extension of Waterview Trail (PIN: 19-09-15-300-019-0000).
- Public Hearing: 9416 Gulfstream Road, Unit 2 CV, LLC (Ref#106) Request: Special Use Permit for automobile sales in the I-1 Limited Industrial District (PIN: 19-09-34-301-006-0000).
- Public Hearing: 9194 Gulfstream Road EquipmentShare.com Inc. (Ref#107) Requests: (1) Special Use Permit for large equipment rental, sales, and service, and (2) Special Use Permit for outdoor storage in the I-1 Limited Industrial District (PIN: 19-09-34-401-001-0000).
- 8. Public Comments
- 9. Village Board & Committee Updates
- 10. Other Business
- 11. Attendance Confirmation (May 9, 2024)

#### 12. Adjournment

All applicants are advised to be present when the meeting is called to order. Agenda items are generally reviewed in the order shown on the agenda, however, the Plan Commission/Zoning Board of Appeals reserves the right to amend the agenda and consider items in a different order. The Commission may adjourn its meeting to another day prior to consideration of all agenda items. All persons interested in providing public testimony are encouraged to do so. If you wish to provide public testimony, please come forward to the podium and state your name for the record and address your comments and questions to the Chairperson.

In compliance with the Americans with Disabilities Act and other applicable Federal and State laws, the meeting will be accessible to individuals with disabilities. Persons requiring auxiliary aids and/or services should contact the Community Development Department at (815) 469-2177, preferably no later than five days before the meeting.

#### MINUTES



#### MEETING OF VILLAGE OF FRANKFORT PLAN COMMISSION / ZONING BOARD OF APPEALS

#### April 11, 2024 –VILLAGE ADMINISTRATION BUILDING

#### 432 W. NEBRASKA STREET

Call to Order:	Chair Schaeffer called the meeting to order at 6:30 PM
Commissioners Present:	Nichole Schaeffer (Chair), Brian James, Johnny Morris, Jessica Jakubowski, Will Markunas, David Hogan, Dan Knieriem
Commissioners Absent:	None
Staff Present:	Community & Economic Development Director Mike Schwarz, Planner Chris Gruba

#### Elected Officials Present: None

#### A. Approval of the Minutes from March 21<sup>st</sup>, 2024

Chair Schaeffer asked for questions or comments regarding the minutes. She noted that she shared some edits with staff which are reflected in the agenda packet. The commissioners generally agreed with the changes.

**Motion (#1):** To approve the minutes from March 21<sup>st</sup>, 2024, as amended.

Motion by: Jakubowski Seconded by: James

Approved: (5-0-2, Markunas and Hogan abstained)

#### B. Public Hearing: Abbey Woods North (Ref #108)

Chair Schaeffer swore in any members of the public wishing to provide testimony.

Chris Gruba summarized the staff report and noted the changes to the plan since the previous workshop held on January 25, 2024.

Shawn O'Malley stated that this is the first time he is hearing about the letter of credit to cover the estimated cost of completing the stub street.

The HOA will maintain the swales up to the walls. The taller retaining walls have been lowered based on the engineering solutions suggested by Robinson.

Brain Hertz stated that the storm sewer now works well. He went on to describe the function and future maintenance. He added that the reason that the stub street stops short of the property line is due to the grade change.

Mike Schwarz stated that it was explained to the applicant that the Village will require a letter of credit for the estimated cost of extending the stub street to the property line. The duration of that letter of credit can be discussed and negotiated as part of the annexation agreement discussion with the Committee of the Whole.

Chris Gruba explained that Village staff does not encourage variations and always seeks to achieve compliance with Village requirements. He went on to explain the items that are still needed for staff review.

TJ Marczali stated that his Candle Creek project took all their water. Is there any impact to the highwater mark in Candle Creek? Will it increase the highwater mark?

Brian Hertz stated that there are about 50-60 acres north of St. Francis Road that drains to the south. The Abbey Woods North project will take much of this water.

Chair Schaeffer asked if the drainage was vetted through the Village Engineer.

Chris Gruba replied yes.

TJ Marczali also brought up the existing Candle Creek recapture agreement.

Mike Schwarz provided a brief explanation about recapture agreements and how they work. In this case, the Village cannot issue any permits for the project until the recapture amount is paid.

Jim Vanerlaan asked if there is a bike path on the plan.

Chair replied yes.

Jim Vanderlaan asked if there will be any fences on the property.

Chris Gruba replied no, but possibly on the Sisters of St. Francis property.

Jim Vanderlaan stated that he previously owned this property.

Chair Schaeffer began discussion with the other members on the various changes to the plan since the second workshop on January 25, 2024.

Regarding retaining wall height and length it was the consensus of the Commission that there were no concerns.

Regarding the type of retaining walls there was some discussion. Knieriem asked for a sample of the block.

Shawn O'Malley stated that the east wall would be block, the west walls might be block or poured concrete.

Knieriem is more comfortable with a poured wall.

Shawn O'Malley stated that the HOA will own and maintain the retailing walls. He is open to a poured concrete wall but does not want it to require a structural engineer's stamp.

There was some discussion of whether the HOA or the Village would maintain the underground rear yard storm sewers.

Chair Schaeffer asked the applicant if he was agreeable to the no fence easement requested by staff.

Shawn O'Malley replied yes.

On Lot 14, Chris Gruba described the swale and need for the requested no fence easement. There was some discussion about the no fence easement for this lot.

Shawn O'Malley stated that the lot area between the rear property line and the retaining wall on Lots 13 and 14 will be maintained by the private property owners to the limits of their property; on lots 7 through 11, this area will be maintained by the HOA.

Shawn O'Malley stated that the only permitted fence type in the subdivision will be a black aluminum open picket style fence to accommodate a consistent look and allow for overland drainage.

Chris Gruba stated that the Landscape Plan contained the incorrect measurements of plant units, and he was therefore unable to determine whether the plan met code requirements. He stated that the landscaping requirements appeared to have been met for the street trees and the landscape berm along St. Francis Road, but that the detention pond landscaping and the preservation tree mitigation could not be calculated. He also noted that the Preliminary Plat contained the wrong front yard setback information for lots 12, 13, 23 and 24 since they are irregular, pie-shaped lots and the front setback is measured at the point where the lot is 100' wide. He also noted that the Preliminary Plat should be revised to illustrate a "no fence" easement between the rear property line and retaining wall for lots 7-11. Lastly, he noted that the plans should clearly note which retaining walls would be constructed of poured concrete and which would be stacked masonry block and that a detail of each should be provided to staff.

The applicants noted that they would work with Chris on the necessary revisions to the Preliminary Plat, Landscape Plan and provide details of the walls and fencing

Motion (#2): To keep open and continue the public hearing until April 25<sup>th</sup>, 2024.

Motion by: Jakubowski Seconded by: Morris

Approved: 7-0

#### C. Public Comments

There were no public comments.

#### D. Village Board & Committee Updates

Mike Schwarz noted that the following projects were approved by the Village Board at its meeting on April 8, 2024:

- Zoning Ordinance Text Amendment: Parking Regulations
- Bear Down Barbecue Special Use Permit for Full-Service Restaurant with Liquor Sales: 20857 and 20859 S. LaGrange Road
- Ash Street Right-of-Way Vacation

He also noted that the following items were approved:

- Intergovernmental Jurisdictional Boundary Line Agreement Between the Village of Manhattan and the Village of Frankfort
- Downtown Parking Lots 2 Smith Street & 11/19 White Street: Bid Award

Mike Schwarz noted that the following projects were discussed by the Committee of the Whole at its meeting on April 10, 2024:

• Lanigan Residence: 219 Pacific Street

- Dunkin' Commercial Multi-Tenant Project: East Side of LaGrange Road, south of St. Francis Road (Variation for reduced lettering height on monument sign)
- Proposed Zoning Ordinance Text Amendments
- Review of Proposed Fiscal Budget 2024/2025
- Mobile Food Vendors

#### E. Other Business

There was no other business.

#### F. Attendance Confirmation (April 25<sup>th</sup>, 2024)

Chair Schaeffer asked Commissioners to please let staff know if they cannot attend the next meeting. Commissioners Markunas and Jakubowski stated that they will not be able to attend the next meeting.

Motion (#3): Adjournment 7:52 P.M.

Motion by: Jakubowski Seconded by: Morris

The motion was unanimously approved by voice vote (7-0).

Approved April 25th, 2024

As Presented\_\_\_\_\_ As Amended\_\_\_\_\_

\_\_\_\_\_/s/ Nichole Schaeffer, Chair

\_\_\_\_\_/s/ Secretary

## FRANKFORT

Planning Commission / ZBA

EST·1855

April 25, 2024

Project:	Triple Crown Training
Meeting Type:	Public Hearing
Requests:	Special Use Permit for Indoor Recreation
Location:	9426 Corsair Road
Applicant:	David W. Posley Jr.
Prop. Owner:	UMC Meds, LLC
Consultants:	None
<b>Representative:</b>	Applicant
Report By:	Amanda Martinez, Planner

#### Site Details

Lot Size:	44,536 sq. ft. (±1 Acres)		
PIN(s):	19-09-34-302-013-0000		
Existing Zoning:	I-1		
Prop. Zoning:	I-1 with a Special Use Permit for Indoor		
	Recreation		
Buildings / Lots:	1 building / 1 lot		
Total Sq. Ft.:	±12,000 sq. ft.		
Average Lot Size:	N/A		

#### Adjacent Land Use Summary:

	Land Use	Comp. Plan	Zoning
Subject Property	Industrial	Industrial	I-1
North	Industrial	Industrial	I-1
South	Industrial	Industrial	I-1
East	Industrial	Industrial	I-1
West	Industrial	Industrial	I-1





#### Project Summary –

The applicant, David W. Posley Jr., representing Triple Crown Training LLC, a tenant/lessee on behalf of the property owner, UMC Meds, LLC, has filed an application requesting a Special Use Permit for Indoor Recreation to open an indoor baseball training facility at 9426 Corsair Road. In kind with the Special Use Permit request, the applicant is requesting a parking adjustment for the required number of parking spaces associated with the proposed Indoor Recreation use to be reduced.

The subject property is zoned I-1 light industry district and is located within the Airport Industrial Park. A Special Use Permit was granted in 2012 (Ord. 2806) for a similar operation (National Rhino Sports Academy) at this location. The longevity of the discontinuance of the special use requires the business to obtain a new Special Use Permit.

The request has been reviewed as a workshop discussion at the March 7, 2024, Plan Commission/Zoning Board of Appeals (PC/ZBA) meeting where Commissioners provided the applicant with feedback that additional parking is needed for an Indoor Recreation use to be in the industrial zoning district. The request was then considered at the March 21, 2024, PC/ZBA meeting as a

public hearing was held and was continued to the April 25, 2024, meeting to ensure that a site plan that complies with the Village's code requirements was provided. Parking remains as the primary concern; the applicant is amenable to improving the site for additional parking, but as of the date that this memo was prepared and distributed, staff is awaiting a site plan that complies with the Village's code requirements.

#### Attachments -

- 1. Aerial Photograph from Will County GIS
- 2. Site Photographs taken 3.1.24
- 3. ALTA/NSPS Land Title Survey dated 9.29.21 and received 2.15.24
- 4. Floor Plan received 2.16.24
- 5. Revised Floor Plan received 2.23.24
- 6. Revised Site Plan received 4.9.24
- 7. Property Owner Request for Parking Adjustment email received 3.11.24
- 8. Business Operation Letter received 2.22.24
- 9. Top Velocity Program Brochure received 2.14.24
- 10. Top Velocity Website Homepage
- 11. Draft PC/ZBA Meeting Minutes from March 7, 2024
- 12. Draft PC/ZBA Meeting Minutes from March 21, 2024
- 13. Mortenson Roofing Co., Inc. Letter received 4.17.24
- 14. Mortenson Roofing Co., Inc. Email received 4.11.24
- 15. Findings of Fact provided by applicant and received 2.16.24
- 16. Special Use Permit Findings of Fact Form for Plan Commissioners

#### Updates since Public Hearing (3.21.24)

For this public hearing continuation, staff provides the following updates from the March 21, 2024, Plan Commission meeting which held the first public hearing for this project:

- Staff received an email and letter from Mortenson Roofing Co., Inc. located at 9505 Corsair Rd., which is across
  the street from the subject property. The business owner described the reasons why their business objects to
  this project and described the traffic when National Rhino Sports Academy was located in the subject building.
  The correspondence with the said business owner is attached to this staff report (letter and email follow-up).
- The parking adjustment requested is to reduce the minimum number of required parking spaces from 64 parking spaces to 25 parking spaces as depicted on the submitted site plan.
- Attached to this staff report is the most recent site plan that was submitted by the applicant.
  - This site plan that is attached to this staff report does not comply with the Village's code requirements, although it shows more parking spaces than the last iteration.
  - This site plan depicts 25 parking spaces (including the existing parking spaces). Staff notes that this quantity of parking spaces might change if revisions are necessary to meet the code requirements.
  - o Staff's review comments on the site plan that is attached to this staff report are as follows:
    - The architect/engineer/land surveyor's information is missing on the site plan. The Zoning Ordinance states that "site plans, or any portion thereof, involving engineering, architecture, or land surveying, shall be respectively certified by an engineer, architect, or land surveyor authorized by the State to practice as such."
    - Impervious surface coverage information is missing on the site plan (the maximum impervious surface for the site shall be 80% or below).
    - The Landscape Ordinance was sent in previous various emails. Landscaping is required for parking lots that are proposed with 3 or more new parking spaces (i.e. parking lot screening and landscape islands).
    - It is unclear what the pavement setback to the west is (a 5-foot setback is required).

- It is unclear what the drive aisle width dimension between the parking spaces is, after the ingress/egress point.
- It is unclear why the existing loading dock area is not shown like the other parts of the building.
- It is unclear what the drive aisle width dimension is between the loading dock and the closest parking space. Staff is concerned if the slope of the loading dock will intrude on the parking space where vehicles need to reverse in that direction.
- It is unclear what surface will be in the rear of the subject lot behind the building (i.e. asphalt, gravel and/or grass).
- It is unclear if the existing fence will remain.
- It is unclear if curb and gutter is proposed.
- Staff would like to know the square footage of the new pavement.
- Staff would like to know why the ADA spaces seem to be further from the front door entrance.
- Staff would like to know if a trash enclosure is proposed.

#### Analysis

In consideration of the request, staff offers the following points of discussion:

#### Proposed Use

- The applicant is requesting a Special Use Permit for Indoor Recreation to operate a private indoor baseball training facility at 9426 Corsair Road.
- The subject property consists of a ±12,000 square foot industrial building on a ± 1-acre lot located within the Airport Industrial Park.
- The subject site would be a new franchise location for the business known as Triple Crown Training which facilitates the "Top Velocity Academy Program", a baseball training program that consists of high-quality equipment, curriculum, and coaches.
- Existing franchise locations are:
  - Top Velocity Head Quarters located in Covington, Louisiana
  - Top Velocity York located in York, Pennsylvania
  - Top Velocity Dayton located in Moraine, Ohio
  - Top Velocity Charlotte located in Pineville, North Carolina
  - Top Velocity Argyle located in Argyle, Texas
  - Top Velocity San Diego located in San Diego, California
  - Top Velocity Burlingame located in Burlingame, California
  - Top Velocity Central Long Island located in Bohemia, New York
  - Top Velocity Boca Raton located in Boca Raton, Florida
  - Top Velocity Nampa located in Nampa, Idaho
  - Top Velocity Salado located in Salado, Texas
- The applicant stated that the space is still intact from the previous baseball training facility that used the space.
- Per the submitted ALTA/NSPS Land Title Survey, the vestibule is 31.79' x 60.90' (per the submitted floor plan, the vestibule is approximately 39' x 9' 6" and has two bathrooms). After entering the vestibule, patrons would then enter the turf and netted area that is approximately 109' x 79'.
- Per the submitted floor plan, there will be a 2' x 6' counter for retail products, ancillary to their use but a staple part of their Top Velocity Academy Program since they offer nutritional guidance and supplements as part of the program. The submitted floor plan shows that the counter will be in the very front of the space.

- Per the submitted floor plan, there will be 5 pitching and throwing lanes in the approximately 18'7" x 47' 8" room in the rear of the space. The floor plan also shows an approximately 18'7" x 47' 8" weight room next to the pitching/throwing room.
- Per the submitted business operations letter, the business would have 4 employees on-site (2 of the 4 are the main coaches).
- The business intends to have the training facility mainly for players that are members of their program. The applicant verbally stated that the business will be open to the public as well as the members of their programs. Per the submitted business operation letter, the business would allow teams to have a contract with the business. The teams would have an assigned time to be at the facility. The teams will have 2 days a week of 2-hour training.
- Per the submitted business operation letter, the business would have 2 programs, Top Velocity Academy Program and Start Right Training. The Start Right Training program would occur 2-5 days a week for 8 weeks. The Top Velocity Academy Program brochure is attached to this staff report; according to the Top Velocity website, this program operates 5 days a week.
- At the workshop meeting, the applicant stated that the maximum operating scenario for their business would be 2 teams. At the public hearing, the applicant clarified that the maximum operating scenario would be 1 team at a time.
- The applicant is proposing hours of operation within the permissible hours of operation (7am to 11pm), thus, no special use approval is required for extended hours of operation.
- The proposed business hours of operation are Monday through Sunday: 7:00am-11:00pm. The applicant stated in the business operation letter that the peak hours would be from 5:00pm-9:00pm.
- Photos from staff's site visit on March 1, 2024, and Google Street View images show that there is a roll out dumpster (no trash enclosure). Staff requested that the applicant either revise the floor plan to show where the trash bin goes indoors or implement a trash enclosure on the site plan that complies with the Village trash enclosure standards (staff requested a better visualization of the loading dock area to see if there was a possibility for an indoor trash bin to be in that area). The applicant responded they would use the trash bin as-is since other properties within the Industrial Park do not comply with the trash handling requirement.

#### Parking

- Concurrent with the Special Use Permit request, the applicant is requesting a parking adjustment for the required number of parking spaces associated with the proposed Indoor Recreation use.
- The applicant has stated their intention is to have their business operate by pick up and drop off. The property owner has stated that the property has sufficient parking.
- The Zoning Ordinance, prior to the new parking text amendment, required Indoor Recreation facilities to provide "1 parking space for every 4 patrons based upon the maximum occupancy of the facility, plus 1 parking space for each employee during the largest working shift".
- The previous baseball training business that was at this location (National Rhino Sports Academy) had 10 pitching/batting lanes and the same maximum operation of 2 teams (approximately 24 people including the coaches); the previous baseball training business was required to provide 6 parking spaces. Staff at the time referenced the American Planning Association parking standards that suggested 1-4 parking stalls per batting cage and used the maximum operating occupancy.
- To be consistent, staff considered the parking analysis that was provided for the previous baseball training business. According to the submitted floor plan and the American Planning Association parking standards, the 5 pitching/throwing lanes would yield a requirement of 5-20 parking stalls.
- At the March 7, 2024, workshop and March 21, 2024, public hearing meetings, staff took a more conservative approach and conducted the parking analysis based on "maximum occupancy", as was stated in the Zoning Ordinance at the time; the required number of parking spaces for the proposed use equated to 64 parking spaces. On April 8, 2024, staff's parking text amendment was

approved (Ord. 3445) which requires 1 parking space for every 200 square feet for Indoor Recreation use, which equates to a requirement of 60 parking spaces.

- The submitted ALTA/NSPS Land Title Survey shows that there are 7 existing parking spaces provided on the subject site. Staff would like to emphasize that the ALTA/NSPS Land Title Survey also shows a 60-foot drainage easement in the rear of the property, which seems to be standard for several of the nearby lots within the Airport Industrial Park Subdivision. There are some lots in the subdivision which have a lesser width drainage easement.
- Staff notes that the applicant is allowed to move forward with a request for a parking adjustment (rather than a variation) as the Commission is allowed to approve or deny parking adjustments.
- The west side of the parking lot and the rear of the subject lot is unpaved, gravel (Will County GIS aerial images show that the gravel was put in between 2015-2017 with a setback from the west property line; then in 2018, the gravel was extended to the property line).
- Staff advised the property owner to revise the site plan to show grass instead of gravel, especially the gravel that has been placed in the 60-foot drainage easement that is in the rear of the property. There has been no confirmation on whether this is in the applicant's proposal. It was not depicted on the site plan that is attached to this staff report.

#### Standards for Parking Adjustments

Article 7 Section B Part 5 in the Village Ordinance provides for parking adjustments to the minimum number of parking spaces required, subject to case-by-case approval by the Plan Commission. The following provisions and factors shall be used as a basis to adjust parking requirements:

- 1. Evidence That Actual Parking Demands will be Less Than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Ordinance requires.
- 2. Availability of Joint, Shared or Off-Site Parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that joint, shared, or off-site parking spaces are available to satisfy the parking demand.
  - a. Agreements shall be provided which demonstrate evidence that either parking lots are large enough to accommodate multiple users (joint parking) or that parking spaces will be shared at specific times of the day (shared parking, where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.)
  - b. Off-site parking lots may account for not more than 50-percent of the required parking and shall be located not more than three-hundred (300) feet from the principal use that it is intended to serve."

#### Standards for Special Uses -

Article 3, Section B, Part 6 of the Village of Frankfort Zoning Ordinance lists "findings" or "standards" that the Plan Commission must use to evaluate every special use request. No special use shall be recommended by the Plan Commission, unless such Commission shall find:

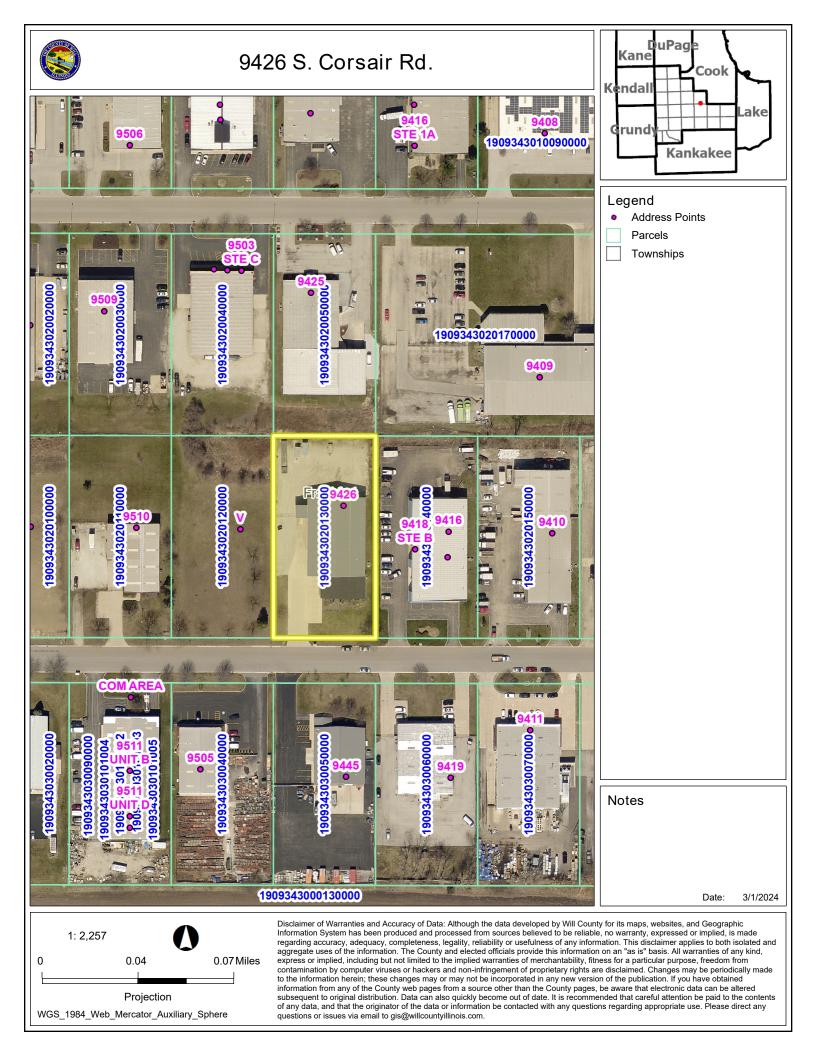
a. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

- b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- e. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- f. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- g. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.

#### Affirmative Motion

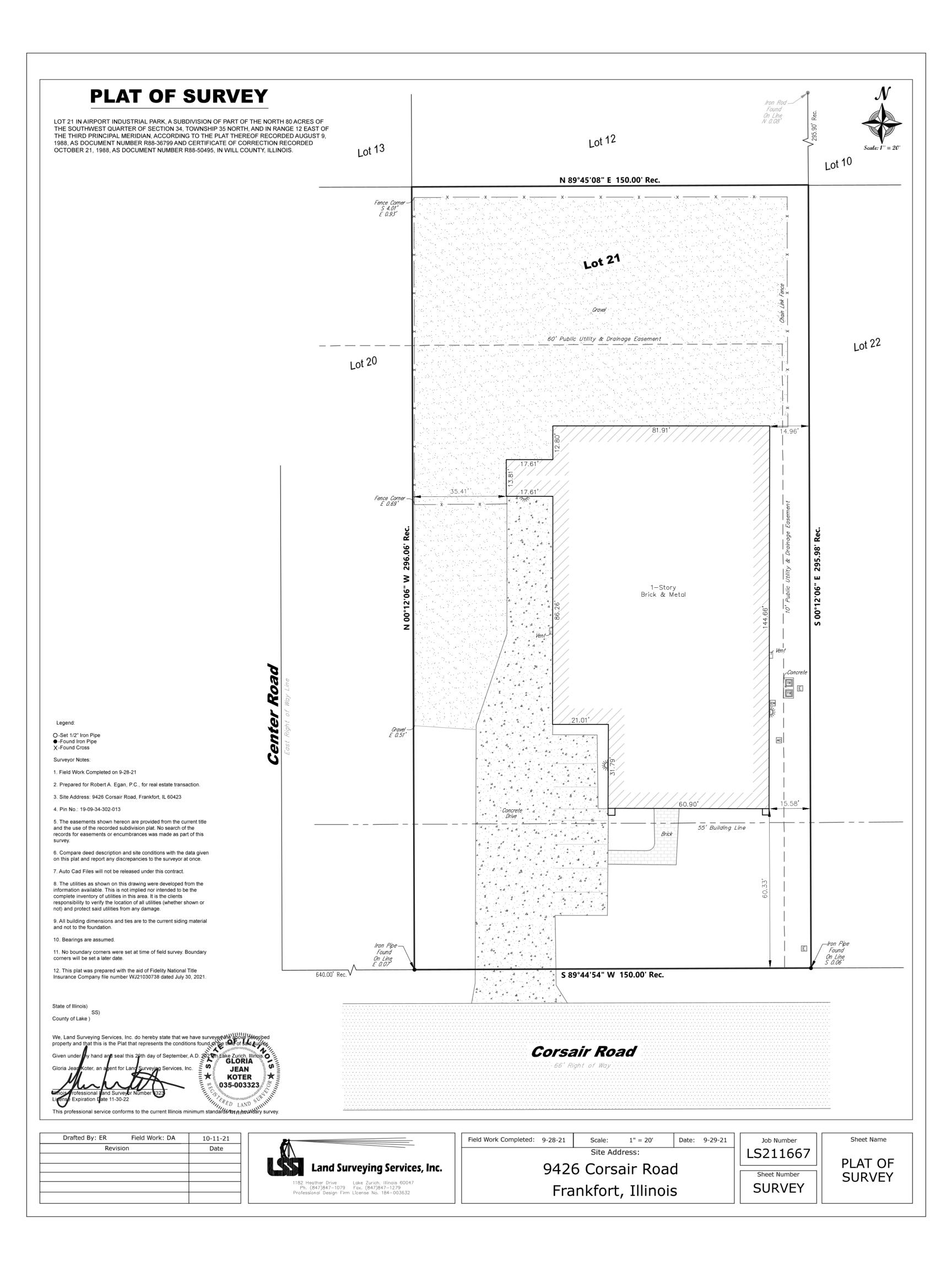
For the Plan Commission's consideration, staff is providing the following proposed affirmative motion for the special use request:

- 1. Approve an adjustment to reduce the minimum number of required parking spaces from 60 parking spaces to 25 parking spaces as depicted on the submitted site plan.
- Recommend the Village Board approve a Special Use Permit for Indoor Recreation (baseball training facility) in the I-1 Light Industrial District for the property located at 9426 Corsair Road, Frankfort, IL 60423 (PIN: 19-09-34-302-013-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following two (2) conditions:
  - a. The applicant shall provide a revised site plan that demonstrates that the site is with compliant parking lot and landscape requirements subject to staff approval (and Village Engineer approval if necessary).
  - b. The business shall implement 15-minute breaks in between the offered scheduled time slots for group training/classes, to accommodate parking space turnover.



Site Visit Photos Taken on 3.1.24

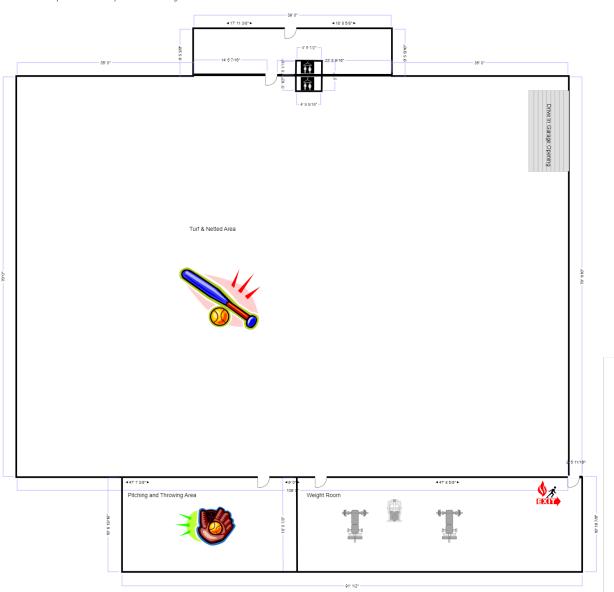




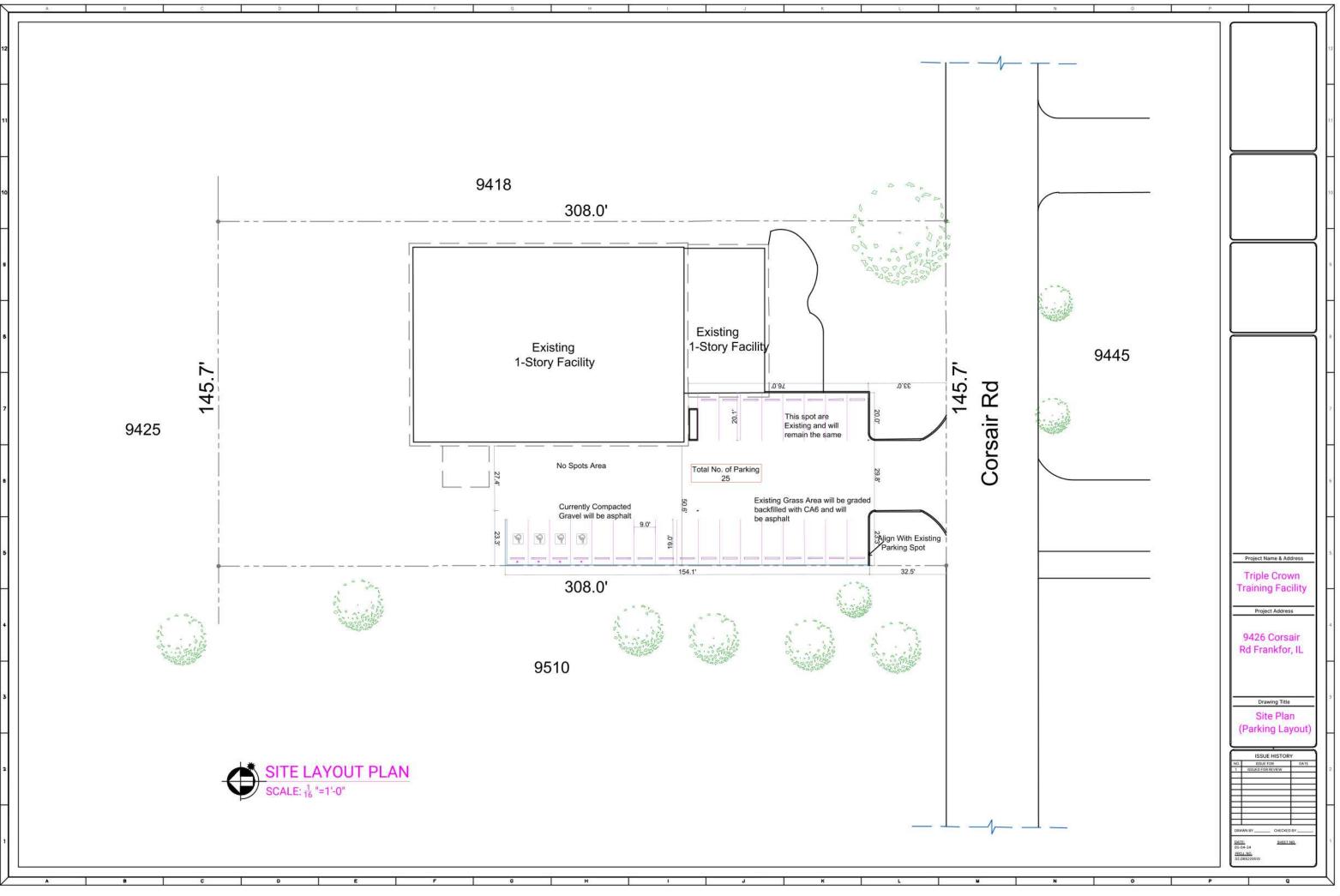
2] Nutrients 74 Aut + Nuts 19 79 Parching dal Throwing Wegghts 45 31 31 31 2) 41



CAUTION: This e-mail originated outside of the Village's email system. DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.



See attached



From:	<u>ОН</u>
То:	Amanda Martinez; Adam Nielsen; Michael Schwarz; Legacy Adviser; Cutrice Stallings; Corey Stallings
Subject:	Re: 9426 Corsair Rd - Triple Crown Training DOCS
Date:	Wednesday, March 13, 2024 9:18:43 AM
Attachments:	We sent you safe versions of your files.msg Certified mailing 031124.pdf

CAUTION: This e-mail originated outside of the Village's email system. DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Certified mailing 031124 sent.

On Mon, Mar 11, 2024 at 7:53 PM O H <<u>ohassad1@gmail.com</u>> wrote: Attached is the site plan purchased from <u>https://getasiteplan.com/</u> which shows the proposed parking. There are 15-18 parking spots available on the existing concrete (not including the street parking available).

I do not believe this was necessary to purchase as the plat of survey shows the same information. I am doing this to comply with the Frankfort Code.

I have already expressed my frustration via email and in person regarding the disregard for enforcing codes across the board. Truly, this makes me feel like it's discriminatory as it is blatantly obvious my neighbors are not following code.

- I purchased this property in 2018. It was still set up as National Rhino Sports Academy when I received ownership. Clearly there was an existing baseball training academy 2012-2015 without issue, otherwise if there was a special permit or parking issue, the building would have been up to code prior to my purchase. Triple Crown Training is a drop off operation. There is still adequate parking available on the driveway. There is also free street parking. Triple crown can easily follow National Rhino Sports Academy's workflow operation to avoid the parking issue before I invest 100k+ into asphalting the property.
- Image 1 attached shows my Property and neighbors'. Clearly they are not up to code as they asphalted beyond the easement and the city did nothing about it. You are trying to force me to asphalt but I can only asphalt 60ft away from the property line. The Neighbor is now causing me an issue with water running off into my property becauses they did not follow code and you did not enforce it upon them.
- Image 2 + 20240309\_124756.jpg + 20240309\_124811.jpg attached: The property on 22763 S Center Rd, Frankfort, IL 60423, Arctic Snow and Ice Control has gravel parking during business hours and overnight. This is not code.

Please keep the scheduled public hearing regarding 9426 Corsair Rd. If this is removed from the agenda, my legal team is prepared to take action.

Triple Crown Training Top Velocity Performance Center (Chicago - South)

Total of 4 employees Rotating between Trainers and Office staff.

Prime Hours: 5-9pm M-F = 20 hours per week /80 hours per month

Revenue Generators:

- 8 Teams
- 30 Academy Members
- 30 Start Right Members

#### Business Model Review:

1. Team Contracts: 8 teams. Use of facility at assigned times which includes 2xs a week for 2 hours with access to 2-3 lanes.

- 2. Top Velocity Academy Program
- 3. Start Right Training: 2xs a week for 8 weeks for players 14 and under

### WHAT IS TOP VELOCITY

TopVelocity is a game-changer in the world of baseball player development programs.

As the undisputed leader in the field, Top Velocity offers exciting and customized training programs that are designed to help athletes of all levels and positions unlock their true potential on the field.

TopVelocity is revolutionizing the way athletes train and perform by offering the most complete cutting-edge science-based training system in the game that produces results while preventing injury.

With the latest in advanced technology, including an artificial intelligence-driven player evaluation system, Top Velocity is able to establish an exact "roadmap" for each athlete to achieve elite levels of performance.

If you're ready to take your game to the next level, TopVelocity is the training program for you!



start NOV





TopVelocity Performance Centers are franchise locations offering the same high-quality training program as TopVelocity Headquarters. With state-of-the-art equipment, personalized coaching, and a comprehensive training curriculum, TopVelocity Performance Centers are specifically designed to enhance overall athletic performance.

www.topvelocity.center





THE MOST ADVANCED PLAYER DEVELOPMENT PROGRAMS IN THE GAME!



PITCHING VELOCITY THROWING VELOCITY EXIT VELO POP TIME FASTPITCH NUTRITION



### CALL NOW 1-985-TOPVELO



### TRAINING OPTIONS

### PLAYER EVAULATION

The Top Velocity Evaluation is an essential step for athletes entering into our training programs to establish current ability and assign training goals.

### START RIGHT TRAINING

This program is designed to introduce beginner methods of TopVelocity Training.

### TOPVELOCITY ACADEMY MEMBERSHIP

Each player receives a complete evaluation with a customized training platform to follow under the guidance of a certified instructor.

### TOPVELOCITY REMOTE COACHING

If you can't travel to headquarters or join a local TopVelocity Performance Center, you can get started with a personal coach thru TopVelocity Remote Coaching.

FULL POTENTIAL



- EDUCATION OF OUR ATHLETES

- SCIENCE BACKED TRAINING

- EVALUATION SYSTEM UTILIZING A/I

- SPECIALIZED TRAINING EQUIPMENT

> - PROPRIETARY DRILLS

- CUSTOMIZED TRAINING APP

- INJURY PREVENTION

- RESULTS

www.topvelocity.center

**\$**985-867-8536 **≥**info@topvelocity.net **f У ⊘** 



HOME LOCATIONS FR

CATIONS FRANCHISE INFO REQUEST CONTACT 💭

# TOP VELOCITY PERFORMANCE CENTERS

IF YOU WANT TO TRAIN WITH THE BEST PLAYER DEVELOPMENT PROGRAM IN THE NATION, TOP VELOCITY IS THE PLACE TO BE!

### THE PURPOSE OF TOP VELOCITY PERFORMANCE CENTERS

In 2020, due to the overwhelming demand of coaches and players throughout the world, Top Velocity<sup>™</sup> set out on a mission to bring Top Velocity<sup>™</sup> methods to local communities. Through

#### Home - TopVelocity Performance Center

our licensed facilities and certified instructors thousands of aspiring athletes will now have unlimited access to Top Velocity™ training methods in their hometown.

Top Velocity<sup>™</sup> programs are specifically designed to enhance the overall athletic performance in all skilled movements of baseball and softball athletes. Regardless of your specific position on the field we have a program for you.

The Top Velocity<sup>™</sup> System of training provides the best player development program in the world with a progressive curriculum of Science-Based training methods that is proven to help every athlete reach their full potential. From 6-year-old athletes to the Pros, the Top Velocity program provides a proven way to improve your athletic performance NATURALLY while reducing the risk of injury.

Top Velocity Performance Centers are an extension of Headquarters and provide a local training option while maintaining Top Velocity<sup>™</sup> standards through our live virtual training.

Find your nearest location and schedule to attend our next event to experience why Top Velocity<sup>™</sup> has been the industry leader in player development training for 15+ years, helping thousands of coaches and athletes of all ages through our proven science-based biomechanical training systems.

### THE TOP VELOCITY PROGRAM

What is TopVelocity Baseball Training?







## TAKE A LOOK INSIDE OUR FACILITIES



### START TRAINING NOW!

Each affiliate location follows the successful training format developed over the past 15+ years that has produced more 90+mph testimonials than any other training program in the game. Whether you are just begining your training or an elite performer looking to increase your performance, Top Velocity and Top Velocity Performance Centers have a program to fit your needs.

### STEPS TO MEMBERSHIP:

## PLAYER INTERVIEW

First step is to schedule your FREE Player Interview to discuss your goals. Once you enter the facility you will see there is something special happening in a Top Velocity Performance Center. You will meet with a staff member who will take you on a tour of the facility pointing out all the special features of a Top Velocity Performance Center. Make sure to review the goal banners which will outline how to reach your goals.

### **PRQGRAM RECOMMENDATION**

## Following your interview you will be provided our best program recommendation based upon your age, skill level, and goals.

Standard Program Options:

- Start Right Intro Clinic (2 days a week)
- Start Right Training (5 days a week)
- Top Velocity Academy Training Membership (over 12yoa 5 days a week)
- Clinic
- Camp

## MEMBERSHIP SELECTED

Once you have selected your program you will be registered for your Training Group or specific class. Each athlete will establish their Top Velocity account and will be provided access to education, training, and evaluation systems through an application on their phone or internet login. All of our training memberships start with the Complete Evaluation to establish a baseline

of performance and will be provided a customized training program through our artificial intelligence programming. If you have selected a clinic or intro class you will receive a base evaluation to establish general performance metrics to educate the athlete of their current performance level. As with all of our introductory clinics, classes, and workshops, we encourage each athlete to take the next steps towards our unlimited membership options to start training with a customized training program in our academy program.

### PLAYER EVALUATION

The proprietary Top Velocity evaluation assesses over 50 individual measurements which are entered into the Trademarked Top Velocity Artificial Intelligence Program to establish a baseline and assess the athletes current ability. Once the data is entered the athletes will receive their customized training program with a roadmap to elite metrics.

The Top Velocity Evaluation is an essential step for athletes entering into our training programs for the following reasons:

- 1. Establish a baseline of current ability
- 2. Assign Customized Training
- 3. Establishment future Goals
- 4. Records and Monitors Progress

The Top Velocity evaluation is recommended every 2-4 weeks for those who select the Top Velocity memership. After the initial evaluation, each athlete and parent meets individually with a Team Member to review the results.

# 3X/2X VELOCITY CAMP

The 3X Pitching Velocity Programs and the 2X Position Player Programs were built to develop the healthily high velocity athlete. This is the premier offering and the program that has built the success of Top Velocity. Each player joining a membership will be provided the complete camp training with Certified Instructors in your affiliate location who will work directly with your athlete following Coach Brent via live remote broadcast from headquarters. This is the \$2997 program for the 2 day training and will be included in your Top Velocity Performance Center Membership at a discount.

### STĄRT RIGHT TRAINING

The Start Right Training Program is provided for the 4 weeks following the attendance of the 3X/2X Velocity Camp to ensure proper proficiency in all med ball and throwing drills. Weekly training times provide the instruction needed to master these drills. For the Athletes who are not interested in the full commitment of the Membership, they have the option to begin training through the Start Right Intro Clinic which walks an athlete through the Beginner Drills over a 4-8 week program. After completing the intro clinic, athletes who qualify are invited to apply for membership with all its benefits.

### TOP VELOCITY ACADEMY

After the player is properly onboarded into their training program they are provided their customized Top Velocity Training application on their phone for ease of instruction. Athletes are placed in training groups to follow their 5 day a week training program.

### REACH YOUR GOALS

Start your customized training platform and study all materials to further your understanding of what it takes to be a professionally trained athlete. Re-evaluations should be performed every 2-4 weeks to establish your next level of training. Follow the program and reach your goals!

### WHY TOP VELOCITY GETS RESULTS!



### WHAT MAKES TOP VELOCITY DIFFERENT? COMPLETE EVALUATION

With the proprietary Top Velocity evaluation you have the best player evaluation system in the game. No matter what level you are currently we will make you better.

### EDUCATION

We pride ourself on educating our athletes and providing scientific data to substantiate our findings. Top Velocity recommendations are not an opinion but are rather based on science to allow each athlete to follow a system that produces results as compared to the traditional anecdotal information provided by most coaches.

### MOBILITY TRAINING

A cutting-edge mobility routine to unlock your bodies power production and reduce injury.

### DRILLS

A proprietary medicine ball overload velocity training program in addition to a complete throwing program that significantly reduces injury.

### OLYMPIC LIFTING

A Science built strength and conditioning program to optimize mass, power, and motor control to develop an explosive elite athlete.

### ANAEROBIC CONDITIONING

To enhance high performance stamina and recovery.

### NUTRITION PROGRAM

The purpose of this program is to educate the athlete regarding optimal nutrition as part of optimizing performance and remove misinformation currently on the market.

### PITCH DEVELOPMENT

Once on the training program our athlete's have an opportunity to develop a more complete arsenal through advanced analysis of spin, pitch grip, and ball release techiques used by the Pro's.

### CUSTOMIZED PROGRAMS

Each of our athletes will receive a customized training program following a complete biometric evaluation. Our proprietary evaluation and tradermarked Artificial Intelligence program develops an exact roadmap for each athlete to reach elite metrics following their training program.

### OTHER WAYS TO START WITH TOP VELOCITY! CLINICS

Not all players are ready for our membership and training model. Clinics are a great way to get started and learn better techniques. Clinics offered are Throwing Velocity, Hitting Velocity, Catcher Sub 2.0, Weight Training, Speed & Agility, Arm Care, and Nutrition.

### START RIGHT INTRO CLINIC

The Start Right Intro Clinic is a program designed primarily for the under 12 age group to introduce the Top Velocity methods to athletes covering a course format of 10 different training agendas focused on throwing and hitting skills development. This training will teach younger athletes proper mechanics and introduce advanced training methods in a class setting.

Following this training, athletes are eligible to select the Start Right Training Membership which provides up to 5 day a week training for the committed athlete.

### SEASONAL TRAINING

For the multi-sport athlete, our seasonal training programs offer an instructor led program designed to fast-track an athlete through the Top Velocity methods. The programs include Off-Season, Pre-Season, and In-Season group instruction.

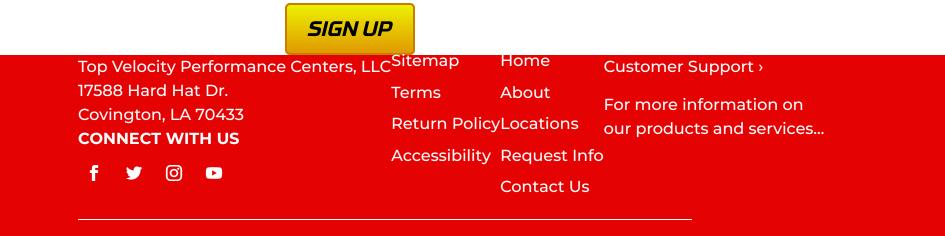
### HOLIDAY OR SUMMER PROGRAMS

These programs are designed for fun and education. Each session includes instruction in Top Velocity methods and competative games to keep your young athlete active during the school breaks.

### TEAM TRAINING

The Team Training program is a special offering that provides a weekly scheduled workout program for teams looking for an edge. Each session provides a dynamic warm-up, TopV med ball drills, baseball drills, and finishes each session with speed & agility training. Teams are encouraged to use the batting cage prior to workouts to maximize their training time. Each athlete will recieve periodic evaluations to establish a baseline and monitor development throughout the program.

### READY TO DOMINATE THE COMPETITION?



CLICK THE LINK BELOW TO GET STARTED TODAY!

### Copyright © 2024 Top Velocity Performance Centers, LLC. All rights reserved

Chair Schaeffer expressed her general agreement with the proposal.

Commissioner Markunas said that the materials were well suited for the architecture.

Mike Schwarz explained the removal of the variation for the proposed metal roof. He stated that staff took a conservative approach in interpreting the language in the Zoning Ordinance. Upon further review of the language, staff determined that a variation for the metal roof is not required. He said that the requirement for the masonry siding has always been in the Zoning Ordinance and therefore this variation still applies. The property is not located within the downtown boundary and therefore the Residential Design Guidelines within the 2019 Comprehensive Plan do not apply.

Chair Schaeffer said that the property is almost entirely surrounded by commercial uses. She said that an all-brick exterior could appear monotonous and that the proposed house is "anti-monotony".

**Motion (#16):** Recommend the Village Board approve a variation request to allow nonmasonry siding for first floor and second-floor building materials on a house proposed on Lot B in the Aurthur T. McIntosh and Company's Kean Avenue, S. 95th Ave. (19-09-22-300-025-0000), in accordance with the reviewed plans, public testimony and Findings of Fact.

Motion by: Markunas

Seconded by: Jakubowski

Approved: (5-0)

#### F. Non-Public Hearing: Triple Crown Training

Amanda Martinez presented the staff report.

Applicant David Wayne Posley Jr. approached the podium.

Commissioner Morris asked if they have operations in other states, if this location will be a franchisee and if the applicant could explain why they chose Frankfort as a location. The applicant replied that his clients are Frankfort residents, and that the operation will be a franchise.

Commissioner Markunas said that being a franchise, he is assuming that the parent company has design standards for how it looks. The applicant said that there are no plans to modify the existing building.

Commissioner Knieriem asked the applicant if he was the owner. The applicant responded that he is a representative of the owners and the lead instructors. Commissioner Knieriem asked if they would only focus on baseball if it was previously a Rhino Sports Academy

and if Triple Crown would own it. The applicant replied that they would only focus on baseball, that it was in fact a former Rhino facility and that Triple Crown would lease the building. Commissioner Knieriem asked if all sports activities would be indoor, and nothing would be outdoors. The applicant responded that was correct. The applicant said there would be no outdoor field to play baseball because this facility would only be used for training and practice. Commissioner Knieriem said that there is a shortage of this type of use in Frankfort.

Chair Schaeffer asked if the facility would ever be rented out for parties or events. The applicant responded no.

Chair Schaeffer asked for comments regarding parking. She said that the gravel in the rear vard was not approved to be there and should be removed. It could either be restored with grass or it could be paved for a rear parking lot. She said that since the facility would be relatively large, that more on-site parking would likely be required. The applicant noted that they would likely prefer to pave the rear yard for parking. Mike Schwarz noted that any new parking lot on site would need to be reviewed for engineering compliance and would require curb & gutter, etc. The plans would need to be prepared by a licensed architect or engineer. The applicant asked the Commission how much parking he needs for the proposed use. Chair Schaeffer replied that that is what is being debated tonight. The applicant asked if there were any records showing that parking "spillover" was an issue when Rhino was there. Amanda Martinez noted that Rhino did not have any conditions for parking attached to their approval. She noted that the required parking for Rhino was based upon what the applicants said they needed at the time. However, the code technically states that the required parking must be based upon "maximum occupancy", which would equate to 64 parking spaces, which probably won't be able to fit on site. The applicant responded that this facility would be primarily for pick-up and drop-off of youths and that he'd prefer to not spend the money to pave a parking lot expansion.

Commissioner Markunas asked what the maximum occupancy would be of the facility. The applicant responded that there would be a maximum of 2 teams at once, or about 30 people. Chair Schaeffer said that most of the players will be young and not driving to the facility. Commissioner Knieriem said that typically, parents pick up and drop off children at once, which can lead to a mess of cars at once. He said that he would prefer it if the site plan could be reworked to provide a one-way entrance and one-way exit to allow proper circulation. He said that the existing 5-6 existing parking spaces would be deficient. He said that as an industrial property, he would not want kids being picked up in the streets, crossing the street or otherwise being in the street. He believed that approximately 34-40 on-site parking spaces would be required. Mike Schwarz noted that the property could not exceed an impervious lot coverage of 80% and to keep that in mind.

Commissioner Markunas said that he estimates 2/3<sup>rds</sup> of the parents would sit in the parking lot and read a book while waiting for practice to end. As such, parking will be required onsite. Amanda Martinez noted that on-street parking does not technically count toward the amount of required parking. There was general discussion regarding the amount of parking that should be required. The Commission seemed to agree that 30 spaces would be required.

Commissioner Knieriem asked if a trash enclosure was considered, taking into account turning movements for emergency vehicles. Commissioner Markunas asked the applicant if they received proper directions. They replied yes.

#### G. Public Comments

None.

### H. Village Board & Committee Updates

Mike Schwarz noted that the following projects were approved by the Village Board at its meeting on March 4, 2024:

- The Voorn Lawndale Subdivision (preliminary and final plat); and
- The 39 and 49 E. Bowen Street Wall Massing Variation (Ord. 3441).

### I. Other Business

None.

### J. Attendance Confirmation (March 21st, 2024)

Chair Schaeffer asked Commissioners to please let staff know if someone cannot attend the next meeting.

Motion (#13): Adjournment 8:58 P.M.

Motion by: Jakubowski Seconded by: Knieriem

The motion was unanimously approved by voice vote (5-0).

Approved March 21<sup>st</sup>, 2024

As Presented\_\_\_\_\_As Amended\_\_\_\_

Nichole Schaeff's/ Nichole Schaeffer, Chair /s/ Secretary

Plan Commission/Zoning Board of Appeals Minutes: 3/07/24 | Page 11

No one else wished to speak.

Motion (#5): To close the public hearing.

Motion by: James Seconded by: Knieriem

Approved by voice vote: (5-0)

**Motion (#6):** To recommend to the Village Board approval of the Plat of Vacation of a portion of the unimproved Ash Street public right-of-way, totaling approximately 5,209 square feet in area, generally located at the southern terminus of Ash Street, in accordance with the approved plans and public testimony, and subject to any necessary technical revisions prior to recording.

Motion by: Jakubowski Seconded by: James

Approved: (5-0)

# D. Public Hearing: 9426 Corsair Road – Triple Crown Training/Top Velocity

Amanda Martinez presented the staff report.

The applicant, Corey Stallings, approached the podium. He said that he's a new resident in Frankfort. He said that this would be his business and he'd be a baseball coach. He asked if the Commission had concerns about parking on-site. He said that there would never be any more than 10-15 players at any point, nor more than one team at any time. He noted that most students arrive via carpooling, typically 3-4 kids per car, and that he does not encourage parents to stay on site to stay with their kids. He said that weekends would be the busiest times.

Chair Schaeffer asked Mr. Stallings if he was the prospective business owner. He said yes, but he would not be the building owner. Chair Schaeffer said that the Commission needed to determine the appropriate amount of parking required, but in order to do that, they needed to sort out the site plan revisions that are needed.

The building owner, Omar Hassad, approached the podium. He said that the building used to house a baseball training facility and that his proposal would be exactly the same. He said that he doesn't need the money generated by the facility, but rather he wanted to find the right tenant for the building to be able to give back to the community. He said that he recently purchased the Walgreen's in Frankfort at Wolf Road and Laraway Road. He said that he would not invest another penny in Frankfort unless he's able to get approval for the baseball training facility. He said that he was willing to spend \$100,000 to pave the rear of the property for parking, but he cancelled the job once he found out that the parking lot would need to be set back 60' from the rear property line because of the drainage easement.

He said that there would be four employees and that everyone else usually carpools. He asked about the requirement for a trash dumpster and trash enclosure. He said that the proposed use would not generate trash. He said that he has pictures of other businesses in the area that have dumpsters without trash enclosures and wondered why his facility would require a trash enclosure. He said that he felt that a lot of roadblocks and obstacles had been put in place only for him and his tenant. He said that he has a problem when the code isn't applied equally to everyone.

Chair Schaeffer said that the Commission is focused on the request before them, not on other properties. She noted that the applicant's request for a Special Use Permit opens the process for the request to be reviewed per code and by the Commission. She noted that Village staff needed to look at the code for deficiencies and that some were found with his property. Specifically, she noted that the gravel was illicit, being placed in a drainage easement without approval from the Village. She noted that when the facility was operated by Rhino Sports Academy, the rear yard was grass, not gravel.

Mr. Hassad said that he would not change the property at all and would not provide any more on-site parking.

There was discussion among the Commission that the representative at the workshop meeting said that there would be a maximum of 2 teams, or 30 people, at any one time. Mr. Hassad said that the representative was incorrect and that there would never be more than 15 players. Chair Schaeffer asked the applicant to go on record stating that there would never be any more than 15 players at the facility at any time. Mr. Stallings agreed to this.

Mr. Hassad said that the PC/ZBA just approved a Special Use Permit for Bear Down Barbecue and waived all required off-street parking. Chair Schaeffer said that the commercial plaza containing Bear Down Barbecue has ample parking. She noted that the proposed baseball training facility could not technically count on-street parking toward the parking requirement. She noted that the baseball training facility was going to be popular and that there will likely be a high demand and there will be kids from everywhere that will come to this facility. She noted that many parents wouldn't be leaving during practice and would stay on-site.

There was some discussion that other properties in the area were not in compliance with the code requirements regarding parking lot improvements. Commissioner James said that the Village has a code enforcement department that can address other properties that are out of compliance, but that the PC/ZBA does not address code enforcement.

Chair Schaeffer said that she is trying to help the applicant be successful in the process, since the Board may not view the Special Use Permit request favorably if the site plan does not meet code.

Amanda Martinez said that when Great American Bagel, a few buildings to the east, came before the Plan Commission for a Special Use Permit, the request was approved with the condition that they improve their site for more parking. A site plan showing the parking lot improvements was attached to the ordinance that was granted.

Mr. Hassad asked the PC/ZBA for their word that the Village would force compliance on properties that are currently not in compliance with the code.

The conversation turned to the required off-street parking. Chair Schaeffer said that applicants must engage with a professional engineer, architect, or land surveyor to prepare a site plan that meets code.

Amanda Martinez called attention to the drainage easement in the rear yard and that there is still a lot of missing information on the site plan. Chair Schaeffer said that the drainage easement in the rear yard is large and that there may be a path to vacating all or a portion of the easement, but it would require engineering review. Amanda Martinez noted that they would need engineering review and approval to pave within the existing drainage easement if they chose that path. Mr. Hassad said that the rear yard still gets very damp and that the gravel helps the drainage otherwise it would have standing water and a mosquito habitat.

Chair Schaeffer asked that Mr. Stallings confirm the number of staff and their vehicles, and he said there would be 2 cars for staff, himself, and his wife and 12-15 kids at any one time. She clarified with Mr. Stallings that there would be no more than 15 kids at any one time. Mr. Stallings said that there would never be any more than 2 coaches at once. He said that the entire back room of the facility is dedicated for one-on-one training.

Commissioner Morris asked the applicant if they were considering travel teams, since they mentioned the White Sox. Mr. Stallings said that he is friends with the White Sox. Commissioner Morris said that in terms of moving forward, there is no data, that the story is changing, and they can't get to the business at hand. He said that the Commission needs to ensure safety. He again asked for more data and specifically more data about who their clients will be.

Chair Schaeffer said that the facility could also increase in popularity over time if it becomes more successful. Mr. Stallings said that the facility was intended to be successful from the start. He said that he'd have 10 teams on a rotating basis, but not more than 1 team practicing at a time. They would not be open until 3:30 p.m. during the school year.

Chair Shaeffer asked where high school students were going to park, because it's unlikely that they'll all carpool. Commissioner Knieriem said that they haven't yet addressed overlapping times of attendees.

Commissioner Morris said that at the workshop meeting, they had all agreed that 30 parking spaces were required. Commissioner Knieriem postulated that there are an average of 15 kids per team, about 3-4 instructors and 2 staff, equating to about 20 parking spaces. Mr. Stallings agreed with this. Commissioner Knieriem mentioned that the site plan should be reworked to remove the proposed parallel parking spaces because it seemed to go against the overall traffic flow. Mike Schwarz suggested that if the Commission members were amenable to allowing any off-site parking, coaches and high schoolers could park on the street to allow drivers with small children to park in the on-site parking spaces. Commissioner Knieriem recommended that the applicant work with an engineer to ensure proper striping of the parking lot, including ADA accessible spaces. He noted an instance from another community in the past where an ADA space was deficient by 1' and that it led to a lawsuit.

Chair Schaeffer asked the applicants how much time they need to prepare a site plan with engineering review. She said that April 11<sup>th</sup> is probably not realistic. She said they could aim for April 25<sup>th</sup>.

Motion (#7): To continue and keep open the public hearing until the April 25<sup>th</sup>, 2024, PC/ZBA meeting.

Motion by: Morris	Seconded by: Jakubowski
-------------------	-------------------------

Approved: (5-0)

Chair Schaeffer recessed the Commission for a 5-minute break at 8:20 pm. The meeting resumed at 8:25 pm.

### E. Workshop #3: 10211 W. Lincoln Highway – Rhumbar

Mike Schwarz presented the staff report.

The applicant, Joji Tirumalareddy, representing Tulips Chicago LLC dba Rhumbar, approached the podium and mentioned that he would like to rectify all issues as the rent on the property is increasing.

Chair Schaeffer responded that the restaurant use seems reasonable and that the one extra seat in the bar area that staff mentioned needs to be removed on the floor plan is fine for now since that will be changed prior to the public hearing.

Commissioner Jakubowski asked the applicant what the proposed hours of operation are.

The applicant responded that the business would operate from 11 a.m. - 12 a.m. during weekdays.

### SLATE & TILE ROOF SPECIALISTS ARCHITECTURAL SHEET METAL WORK

# MORTENSON ROOFING CO., INC.

SERVING THE CHICAGOLAND AREA SINCE 1937

Village of Frankfort Community Development 432 W. Nebraska St., Frankfort, IL 60423 Attention; Amanda Martinez, Planner April 11, 2024

Re: 9426 Corsair Rd. - Triple Crown Training/Top Velocity Special Use Permit hearing April 25, 2024

I am the owner of Mortenson Roofing Company, Inc. and also the owner of the property located at 9505 Corsair Rd., Frankfort, IL 60423 across the street from the subject property. We built our building on Corsair Rd. and our business has been at the location in Frankfort for more than 20 years. We are completely against the granting of a special use permit for use of the subject property as a baseball training facility.

We remember the nuisance the last baseball training facility was that operated for a short time at that location approximately 10 years ago. That business caused terrible problems and disruption to our business. As stated in the previous meeting minutes of the Frankfort Plan Commission, the building owner said that the proposed use of the building would be used exactly as it was at that time. We clearly remember in the middle of the afternoon, 30 or more cars from the baseball facility parked on the both sides of the street directly in front of our property, making it nearly impossible for the daily semi-trailer trucks to back in or pull out of our parking and loading area. A few times the street was so full with cars, we had parents using our parking lot to wait on picking up kids. Having teams come in for one hour at a time causes there to be double the amount of cars nearly the entire time with people coming, going, parking, waiting and getting in and out of the facility and in and out of vehicles. We had kids playing catch in the middle of the street and hanging out on the nearby properties next to the street. There were teams waiting to get in the facility, conducting infield practice in the vacant lot adjacent this property and directly across the street from our property.

The applicant for the permit and owner of the business stated that "there would never be more than 10 to 15 players at any point, nor more than one team at any time". This is a dishonest statement. I have a little experience with this subject. I managed baseball teams with my three sons for 20 years in Mokena and also used baseball training facilities. When one team is in the facility practice areas and batting cages, the next team is always there waiting at least 15 or 20 minutes early, so they can get into the cages immediately upon the end of one teams time and the beginning of their time in the facility or the batting cages. This overlap of teams coming and going every hour easily doubles the 10 to 15 players estimate to 30 players and coaches, plus the employees of the facility, requiring rides, parking and causing terrible traffic congestion on the street in front of our business. This was exactly what we experienced when this property was somehow previously used as a baseball training facility.

We purchased the property and built our building 20 years ago in this Frankfort **industrial park** for the zoning restrictions and allowances that are in place and to be with other similar type businesses like ours, without the kind of disruption that businesses not zoned for industrial parks might cause to our everyday business. Corsair Road is not designed for the amount of traffic flow and parking that comes with a baseball training facility. Semi-trailer truck traffic and other heavy construction vehicles coming in and out of the industrial park don't mix well with kids playing catch in the middle of the street and kids getting in and out of cars on both sides of the road. Adding parking to the subject property would not solve these problems. The subject property is not zoned, designed or suited for a baseball training facility.

Michael Lukis President Mortenson Roofing Co. Inc. 9505 Corsair Rd. Frankfort, IL 60423 (888)773-7306 michael.lukis@mortensonroofing.com www.mortensonroofing.com

From:	Michael Lukis
То:	Amanda Martinez
Subject:	Re: 9426 Corsair Rd Public Hearing
Date:	Thursday, April 11, 2024 4:09:45 PM

CAUTION: This e-mail originated outside of the Village's email system. DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

### Amanda,

One other note that I did not include a comment about the applicants comments, made at the previous meeting about carpooling. The applicant's comments that 3-4 kids will carpool for practice is absolute nonsense. I coached baseball for 20 years and saw kids arrive individually, unless in a very rare instance 2 kids live right next to each other. Even then they typically arrived separately. Parents don't waste the time running around and picking up other kids to go to a nearby baseball practice. They might carpool for distant games, but not local practices. Those comments from these applicants show they will say anything they can think of, whether true or not, to try and get this special use approval.

Michael Lukis Tile Roofs, Inc. 9505 Corsair Rd. Frankfort, IL 60423 toll-free; (888)708-8453 e-mail; tileroofs@aol.com web site; www.tileroofs.com

On Wednesday, April 10, 2024 at 09:59:54 AM CDT, Amanda Martinez <amartinez@frankfortil.org> wrote:

Hi Mike,

Thanks for the call just a few minutes ago- below in my signature line is my contact info.

Please send me an email or drop off a letter at the Village Hall (432 W. Nebraska St.) before 9426 Corsair's scheduled public hearing date which is on April 25<sup>th</sup>. If you have it in by April 19<sup>th</sup>, I will be able to attach it to the staff report that gets distributed to the Plan Commission/Zoning Board of Appeals and Village Board (either way, at the meeting it will be on record that you have given input).

Also, please see the attached 250-foot Buffer Map for 9426 Corsair Rd. that is curated from the Will County GIS System (highlighted are properties that are required to be notified per Village policy).



### Application for Plan Commission / Zoning Board of Appeals Review Special Use Permit Findings of Fact

Article 3, Section E, Part 6 of the Village of Frankfort Zoning Ordinance lists "findings" or "standards" that the Plan Commission must use to evaluate every special use permit request. The Plan Commission must make the following seven findings based upon the evidence provided. To assist the Plan Commission in their review of the special use permit request(s), please provide responses to the following "Findings of Fact." Please attach additional pages as necessary.

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

YES, It will Not. We have ample space on property and operations Will be conducted in Building.

 That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already ognic tood, nor substantially diminish and impair property values within the neighborhood.

YES, It will not. We have ample space on property operations will be conducted in Building ard

3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Yes, it will not. The streets are big and ve Will not have a lot of traffic.

4. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

We will not have any change to extensor.

That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Yes all utilities are adeque and current In Frastmeture.

That adequate measures have been or will be taken to provide ingress and egress so
designed as to minimize traffic congestion in the public streets.

Yes we look forward to minimal traffic only pickup I drop offi

7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.

This apecial USE will be ased according to Plan Commission recommendations and Village Boart approval.



### Findings of Fact Commissioner Evaluation Form - Special Use Permit

Article 3, Section E, Part 6 of the Village of Frankfort Zoning Ordinance lists "findings" or "standards" that the Plan Commission must use to evaluate every special use permit request. No special use shall be recommended by the Plan Commission unless all the following findings are made.

	STANDARD	NOTES	ME	ETS
a.	That the establishment, maintenance or			
	operation of the special use will not be		YES	NO
	detrimental to, or endanger, the public health,			
	safety, morals, comfort or general welfare.			
b.	That the special use will not be injurious to the			
	use and enjoyment of other property in the		YES	NO
	immediate vicinity for the purposes already			
	permitted, nor substantially diminish and impair			
	property values within the neighborhood.			
с.	That the establishment of the special use will not			
	impede the normal and orderly development and			
	improvement of the surrounding property for		YES	NO
	uses permitted in the district.			
d.	That the exterior architectural appeal and			
	functional plan of any proposed structure will not			
	be so at variance with either the exterior			
	architectural appeal and functional plan of the			
	structures already constructed, or in the course of		YES	NO
	construction in the immediate neighborhood or			
	the character of the applicable district, as to			
	cause a substantial depreciation in the property			
	values within the neighborhood.			

e.	That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.	YES	NO
f.	That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.	YES	NO
α.	That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.	YES	NO



# Memo

To: PC/ZBA
From: Christopher Gruba, Senior Planner
Date: April 25, 2024
Re: Abbey Woods North – Public Hearing

The applicant has requested in writing to table this project to the May 9<sup>th</sup> PC/ZBA meeting. There will only be 5 commissioners available at the April 25<sup>th</sup> meeting and the applicant is hopeful that a full roster will be available on May 9<sup>th</sup>, especially concerning the variation requests that require 4 affirmative votes for a positive recommendation. Also, a revised Plat of Subdivision, Landscape Plan and details of the walls and fence were not available as of April 19, 2024. The plans attached to this memo have not changed at all since the first public hearing on April 11, 2024.

CAUTION: This e-mail originated outside of the Village's email system.

DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

Please schedule our next meeting for may 9 th is this will give us enough time to go over the landscaping plan.

Thank you Shawn O'Malley Sent from my iPhone

### Planning Commission / ZBA



April 11, 2024

Project:	Abbey Woods North
Meeting Type:	Public Hearing
Requests:	Rezoning (upon annexation), Preliminary Plat of Subdivision, relief from Design Standards for
	cul-de-sac length and wall length, relief from Land Subdivision Regulations for cul-de-sac
	length and stub street connection, review of variations for lot width & depth
Location:	South side of St. Francis Road, just east of La Grange Road
Applicant:	O'Malley Builders Inc.
Prop. Owner:	Steven Beemsterboer
<b>Representative:</b>	Shawn O'Malley
Staff Reviewer:	Christopher Gruba, Senior Planner

### Site Details

Gross Area:	797,583 sq. ft. (18.31 acres)
Net Area	574,120 sq. ft. (13.18 acres)
PIN(s):	19-09-15-300-019-0000
Existing Zoning:	A-1 (County)
Proposed Zoning:	R-2 (Single-Family Residential)
Future Land Use:	Single Family Detached Residential
Lots:	25

#### Adjacent Land Use Summary:

	Land Use	Comp. Plan	Zoning
Subject Property	Undeveloped	Single-Family	A-1 (County)
North	Single-Family	Single-Family	R-2
South	Floodway	Conservation	R-1
East	Religious/ Institutional	Institutional/ Utility	E-R
West	Single Family	Single-Family	A-1
			(County)

#### Figure 1. Location Map



### Project Summary -

The applicant, O'Malley Builders, Inc., is proposing a 25-lot single-family detached residential subdivision for "Abbey Woods North" (the plans at the workshop #1 included 26 lots). The subject property is located in unincorporated Will County and zoned A-1, Agricultural. The Village's 2019 Comprehensive Plan recommends that the property be developed for Single-Family detached homes. The applicant is proposing to rezone the property to R-2, Single-Family Residential, upon annexation into the Village. The current single parcel would be subdivided into 25 residential lots and 5 common area lots through a Plat of Subdivision. The lot sizes have not changed since workshop #2 on January 25<sup>th</sup>. To serve the residential lots, Waterview Trail would be extended south of St. Francis Road and would be dedicated public right-of-way. This road extension would terminate in a cul-de-sac. The proposed subdivision would follow a "traditional" development process and would not be a PUD (the reasons for which explained later in this report). As proposed, the development would require several code exceptions, which would be permitted and memorialized as part of the annexation agreement.

### Attachments

- 1. Aerial Photographs, Village of Frankfort GIS (scales of 1:6,000 and 1:3,000)
- 2. FEMA floodplain and floodway maps
- 3. National Wetland Inventory Map
- 4. 2019 Bike Path Diagram
- 5. Table of Lot Size, Width and Depth, prepared by staff
- 6. 2008 Design Standards excerpt, Street Geometric Criteria
- 7. Subdivision Ordinance (Ord-921) excerpt, Section 9.2-10 Cul-de-sacs
- 8. Draft Covenants and Restrictions
- 9. Tree Survey and list of existing trees, received 1.16.24
- 10. Plat of Survey, received 1.16.24
- 11. Plat of Annexation, received 1.16.24
- 12. Preliminary Plat, received 4.1.24
- 13. Preliminary Plat, retaining walls bolded in red, property lines in blue (staff)
- 14. Landscape Plan, received 4.5.24
- 15. Lighting Plan, received 4.1.24
- 16. Truck Turning Plan, received 4.1.24

### Changes since Workshop #2 on 1.25.24: -

Since workshop #2 on January 25<sup>th</sup>, there have been several changes to the Preliminary Plat, although they are mostly engineering-related. The summarized changes are:

- 1. The former plans illustrated a drainage swale upon and along the entire west property line that eventually emptied into Hickory Creek. The revised plans illustrate the same swale along the west property line adjacent to the detention pond on "Outlot C", but water would now be directed into an underground stormwater pipe with catch basins at regular intervals. The stormwater pipe would eventually drain into Hickory Creek the same as before. Although this seems like a minor change, it has the impact of being able to remove the swale south of the detention pond on "Outlot C", allowing the land above to be flattened out and raised. This in turn results in lower retaining walls along the west property line, within the boundaries of Lots 7-11 and the west retaining wall was reduced from 5.6' to a maximum height of 2.45'. More importantly, by funneling the stormwater into an underground pipe, it removes the need for a box culvert beneath the stub street, which are expensive and require maintenance over time.
- 2. Whereas the two western retaining walls will remain as poured concrete like a basement foundation, the one eastern retaining wall within the boundaries of Lots 13 & 14 would now be stacked masonry block. A photograph or details of the retaining walls were not available at the time of drafting this report.
- 3. During a meeting with the applicant on April 2<sup>nd</sup>, the applicant agreed that the Preliminary Plat should be revised to include a "no fence" easement between the retaining wall and the west property line for Lots 7-11. This was done to ensure proper drainage and because it would have made lawn mowing challenging between the wall and the fence along the rear property line. For example, if a fence was installed along the side and rear property lines on Lot 10, a lawn mower would need to be lifted over the 2.45' tall wall to reach the furthest extent of the backyard. A revised Plat of Subdivision was not available at the time of this report.
- 4. The applicant is proposing that only aluminum, faux wrought iron-style fencing be permitted on the residential lots. A photograph or detail of the fence was not available at the time of drafting this report. However, Section 3.14 of the <u>draft</u> Covenants, Conditions and Restrictions for Abbey Woods North notes that all fencing shall be "bronze colored aluminum open picket fences of the Jerith Manufacturing Company, Style No. 202". As such, staff lifted some pictures from the Internet of this style of fencing, which may be what the applicant is proposing. This type of fence typically permits stormwater to pass through if it is placed within public utility and drainage easements. PVC or privacy fencing would not be permitted anywhere within the development for aesthetic and drainage purposes. The International Residential Code requires that pool fences be at least 3.75' tall and the vertical bars must be spaced appropriately. Whenever a fence is permitted within a public utility and drainage easement, it is done so

at the homeowner's risk. Future maintenance work within the easement could require removal of the fence at the owner's expense.

5. The Landscape Plan has been corrected to illustrate vegetation along the landscape berm adjacent to St. Francis Road, whereas before it was illustrated within the actual road right-of-way and not permitted. The Landscape Plan was received on April 5<sup>th</sup>, so staff did not have time to review the entire plan for compliance with the Landscape Ordinance in time for this report.

### Analysis (mostly unchanged since workshop #2) —

### 2019 Comprehensive Plan:

The Comprehensive Plan designates the subject property as "Single-Family Detached Residential". The proposed use of the property for 25 single-family homes is consistent with the plan.

### Zoning:

The subject property is currently zoned A-1, Agricultural, as per the zoning designation of Will County. The applicant is proposing rezoning the property to R-2 (Single-Family Residential), upon annexation into the Village. The R-2 zone district permits single-family homes by-right.

Dimensional Table:

	R-2 Standard	Notes	
		Largest: Lot 23: 19,445 SF, Smallest:	
Minimum Lot Size	15,000 SF	Lots 18 & 19: 15,000 SF, Avg: 16,110 SF	
Minimum Lot Width	100' typical lot, 120' corner lot	Average: 108' (approx.)	
	150' typical lot, 130' if abuts	Average: 146' (approx.)	
Minimum Lot Depth*	permanent open space	Average: 146' (approx.)	
Maximum Density	2.25 d.u./net ac.	Proposed: 1.89 d.u./net ac.	
		30' for most lots, "pie/wedge" shaped	
		lots require greater setback behind the	
Front Yard Setback	30' min	100' lot width.	
Corner Side Yard Setback	30' min	30′	
Side Yard Setback	10' min ea. side, total 25' both sides	TBD (custom homes)	
		30', although rear setback may be	
		greater due to public utility & drainage	
Rear Yard Setback	30' min	easements (Lot 14 for example)	
Lot Coverage	20% max	TBD (custom homes)	
Impervious Lot Coverage	40% max	TBD (custom homes)	

\*Min lot depth: The minimum lot depth may be decreased by 20' if the rear lot line abuts permanent open space. In this case, those lots that abut the detention ponds may be as little as 130' deep.

### Site Plan:

General Comments:

1. The site slopes down noticeably from a high point along St. Francis Drive to the low point of Hickory Creek. A significant portion of the southern end of the site is in a regulated floodway and cannot be developed.

- 2. The R-2 zone district allows a maximum residential density of up to 2.25 dwelling units/acre. The applicant is proposing a density of 1.89 dwelling units/acre, complying with this requirement.
- 3. All 25 lots meet the minimum lot size requirement of 15,000 square feet for the R-2 zone district.
- 4. Most of the lots meet the minimum lot width requirement. However, Lots 8, 9, and 25 are the only corner lots in the subdivision and all of them do not meet the required 120' lot width. These substandard lot widths would require <u>3 variations total</u>, which, if granted would be memorialized within the annexation agreement.
- 5. Most of the 25 lots meet the minimum lot depth requirement of 150' for a typical lot and 130' when the rear lot line of a lot abuts permanent open space (such as either detention pond). Lots 10, 14, 15 and 16 do not meet the minimum lot depth requirement. These substandard lot depths would require <u>4</u> variations total, which, if granted, would be memorialized within the annexation agreement
- 6. The Preliminary Plat illustrates the building setback lines on the lots as well as the proposed building footprint for each house (rectangle). The minimum front setback in the R-2 zone district is 30'. However, some pie-shaped lots are much narrower at the front. Since the R-2 zone district requires a minimum lot width of 100' for non-corner lots, the front building setback line was shifted back for Lots 12 and 13, but the actual setback distance should have been noted, which appears to be approximately 45'. The front building setback line should also be shifted back for Lots 23 and 24, although this is not illustrated on the Preliminary Plat received April 1<sup>st</sup>.
- 7. The applicant is proposing retaining walls on both the east and west sides of the subdivision development. Although the retaining walls are noted on the Plat, staff highlighted them in red on a separate exhibit so they can be seen more clearly. There are 3 separate sections of retaining walls. The first workshop illustrated double-tiered walls, but now all walls are singular. The longest wall section is 370'. The tallest wall is 2.45'. The 2008 Design Standards (page 70) notes that the use of retaining walls is "strongly discouraged" and that any retaining walls over 50' long or 2.5' tall require review and approval by the Plan Commission. The Design Standards do not note this as a variation, but rather as an approval granted the Plan Commission, not the Village Board. It should be noted that the applicant is not proposing any walls that exceed 2.45' in height, so the PC/ZBA need only act on the request for walls that exceed 50' long.
- 8. 50' of the north end of the property must be dedicated to the St. Francis Road right-of-way. This dedication is illustrated on the Preliminary Plat.
- 9. The applicant is requesting several variations for this project, including but not limited to providing less than the minimum required lot widths and depth. In response, staff recommended to the applicant to investigate whether either of the adjacent property owners would consider conveying (selling) a portion of their land to provide greater flexibility of site design, such as meeting the minimum lot depth requirement. The applicant has informed staff that neither adjacent property owner is interested in selling a portion of their property.

### Parking & Loading:

- 1. Each dwelling unit is required to provide a two-car garage. Floorplans weren't provided because each home will be custom-built, but it's anticipated that each unit will have a 2-car garage, meeting this requirement. The draft CCR's note that each unit must have a two-car garage.
- The extension of Waterview Trail would be dedicated as a public road, complying with the 2008 Design Standards, including the required 66' right-of-way width. On-street parking would be permitted on this new public road.

#### Vehicular & Pedestrian Circulation:

- The Waterview Trail extension would be approximately 1,200' long, measured from the proposed public sidewalk along St. Francis Road to the end of the cul-de-sac. The 2008 Design Standards (page 97) states that any dead-end local street shall not exceed 750'. The Subdivision Ordinance (Ord-921, page 50) states that any dead-end street serving 25 or more homes shall not exceed 500'. The proposed road extension would therefore require relief from both these requirements, which may be provided as part of the annexation agreement.
- 2. The Subdivision Ordinance (page 46) notes that proposed streets shall extend to the boundary lines of the tract to be subdivided. For this reason, and due to the long length of the proposed road extension terminating in a cul-de-sac, staff requested a stub street connection to the undeveloped 18-acre property to the west, commonly known as the Fleck Property. This stub street connection meets the minimum right-of-way width of 66', complete with curbing and 5' sidewalks on either side. However, the street pavement and sidewalks stop short of the Fleck property by approximately 30', requiring an exception from this section of code, which can be permitted as part of the annexation agreement. Staff is currently drafting the annexation agreement, but it is expected to include language requiring a Letter of Credit to cover the cost for completion of the final 30'± of the stub street.
- 3. The Subdivision Ordinance notes that the length of a residential block shall not exceed 2,000' (page 52). At approximately 1,200', the proposed Waterview Trail extension complies with this requirement.
- 4. A 6' wide sidewalk is required along the south side St. Francis Road and 5' wide sidewalks along each side of the Waterview Trail extension. Both of the required sidewalks are illustrated on the Preliminary Plat.
- 5. In 2019, the Village drafted preliminary planning documents for a future bike path along the north side of Hickory Creek from La Grange Road near Dollar Tree to an older pedestrian bridge near Lighthouse Pointe Park (see attached exhibit). The bike path crosses through the subject property at the south end, close to Hickory Creek, and would be the first segment of the path to be completed. At staff's request, the applicant has provided a 10' wide bike path connection, closely matching the preliminary plans for the route of the bike path and would allow a future connection to properties on either side. The bike path would be located in a common area within part of Outlot A, to be owned and maintained by the HOA. The bike path would also connect to the cul-de-sac right-of-way, making it accessible to residents of the subdivision. The general public could also access the bike path via St. Francis to the Waterview Trail extension. The proposed retaining walls would not interfere with the bike path.

### Stormwater & Drainage:

There is a significant floodway over the south 1/5 of the subject property adjacent to Hickory Creek (see attached FEMA exhibits). The proposed development maximizes the number of lots on the site and the applicant has been working closely with Robinson Engineering for preliminary engineering approval; the project was initially proposed for 27 lots and was reduced to 25 lots. At this time, almost all of Robinson's preliminary engineering comments have been addressed, although some minor comments remain. A copy of the latest engineering review letter from March 20<sup>th</sup> has been attached to this report, although it should be noted that the Preliminary Plat has changed since. On-site detention has been provided in two detention ponds: one adjacent to Hickory Creek and one along the western side of the development.

The most significant engineering change since the first workshop is that the double-tiered retaining walls on the east and west sides of the project have been replaced with single-tier walls, and these walls were reduced in

height further after the second workshop. This was achieved by creating a shared drainage swale and underground stormwater piping system that runs along the west property line, encroaching slightly onto the Fleck property. The shared drainage swale will require that a 15' wide public utility & drainage easement be placed on the Fleck property. As such, a Plat of Easement will be required on the Fleck property. A copy of this Plat has been attached to this report, but because the Fleck property is located in unincorporated Will County, no action is required by the PC/ZBA, but staff will review the Plat prior to recording. As part of the Preliminary Plat approval, a condition has been added that a copy of the recorded Plat of Easement for the Fleck property be provided to staff prior to the issuance of building permits.

### Landscaping:

Most of the Village's landscaping requirements are listed in the Landscape Ordinance, although some requirements are listed in the Zoning Ordinance. For the proposed residential subdivision, four (4) basic types of landscaping are required:

- 1. Landscaping adjacent to an Arterial Road (St. Francis): A 25' wide, 3' tall, landscaped berm is required along the length of St. Francis Road. This berm must contain "125 plant units" per 100' of lineal frontage and at least 40% of the plant units must be evergreen. A 3' tall berm is provided along the entire length of St. Francis Road, although there are two gaps east of the proposed Waterview Trail extension, but these have been provided for drainage. The Landscape Ordinance does permit exceptions when the berm would conflict with drainage, as in this case. This 25' landscape berm is located in a 25' wide "no fence, no access" easement, to ensure no fences or vehicular (driveway) connections to St. Francis Road.
- Street Trees (Parkway Plantings) along the Waterview Trail extension: One (1) overstory tree is required for every 35' lineal feet of road frontage. The Landscape Plan notes that three (3) different tree species will be provided for the street trees. The total number of street trees provided complies with this code requirement.
- 3. <u>Landscaping around the perimeter of stormwater detention facilities</u>: Twenty (20) plant units are required for every 100' lineal feet of perimeter around each pond, measured at the high-water level (HWL). It appears that the proposed pond landscaping has been placed above the high-water level.
- 4. Preservation Tree mitigation: The Tree Survey lists all of the existing trees on the property, with 158 existing trees in total. As listed on the Tree Survey itself, 72 of the 158 trees would be removed. Of the 72 trees to be removed, 47 of these are classified as "preservation trees" in the Landscape Ordinance and are "fair" or "good" condition. Preservation trees, due to their desirability for ecological and aesthetic reasons, must be mitigated on-site site with other new trees at least 2.5" in caliper. Preservation trees must be mitigated at a 1:1 ratio of caliper inch removed. The 47 preservation trees to be removed, in fair or good condition, add up to a total of 588". The minimum size of a mitigation tree must be at least 2.5" caliper. As such, at least 235 mitigation trees must be planted on-site, *in addition to the trees and shrubs required for the St. Francis berm, detention ponds and street trees*. It's unclear whether there is physically enough space in the development to plant all of the mitigation trees on-site. Mitigation trees can't be planted on private lots, below the high-water line of the detention ponds or in the floodway or floodplain. As allowed per the Landscape Ordinance, staff does not require the mitigation trees on-site, the developer is required to pay into a Village cash-in-lieu fund for trees to be planted elsewhere in the Village.

In summary, the landscaping requirements appear to have been met for the landscape berm, parkway plantings and around the detention pond. <u>However, it's uncertain whether enough mitigation trees have been placed on site to offset the removal of preservation trees.</u> The Landscape Plan was received on April 5<sup>th</sup>, so staff did not have time to review the entire plan for compliance with the Landscape Ordinance in time for this report.

#### Traditional Development vs. PUD:

Staff is recommending that the subdivision be developed in a "traditional" sense and not as a PUD. To support this decision, staff offers the following:

The purpose of PUD's is described in the Zoning Ordinance on page 22: This section is intended to provide the means and guidelines through which tracts of land may be developed through a comprehensive approach, rather than the traditional lot-by-lot treatment afforded by other districts in this ordinance. It is intended to provide a maximum of design freedom by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, yards, height and bulk restrictions and mixing of uses. Through the requirement of a development plan, it is the intent that property under this section will be developed through a unified design, providing contiguity between the various elements, and ultimately leading to a better environment. Increased densities may be permitted under this section if such increases can be substantiated on the basis that the superior site design makes greater densities possible, with no reduction of amenities; and keeping with the Village desire to provide a wide range of open space opportunities to serve local park and recreation facilities for active and passive use. This section is not intended to be a device for making increased densities more acceptable, or as a means of circumventing the Village's bulk regulations or standards. This section should only be employed in instances where a benefit for the community can truly be derived from its use.

Staff offers the following:

- 1. Per the definition above, a PUD "...should only be employed in instances where a benefit for the community can truly be derived from its use". It's not clear what benefits are offered or could be offered as proposed. The development does not provide any usable, common open space, community structures such as a gazebo or dog park or preserve any mature trees not located in the floodplain. The only benefit offered is a bike path, which is required pursuant to Section 8.4-1 of the Land Subdivision Regulations which pertains to specific requirements for recreational sites that are included in the Comprehensive Plan. The proposed shared use path is reflected as a "Priority Gap" on Figure 3.2 Frankfort Trail Inventory Map on Page 25 in the Comprehensive Plan.
- 2. The illustration on page 30 of the Zoning Ordinance is intended to provide an example of a typical residential PUD. It illustrates smaller (typically undersized) lots, provides usable common open space, preserves existing wooded areas and provides a larger buffer from a river. The proposed Preliminary Plat for Abbey Woods North maximizes lot sizes, provides no usable open space, removes a large number of existing trees on the site (most of which are located in the floodplain and floodway of Hickory Creek), and the development extends as close as possible to Hickory Creek itself. In short, the proposed plan does not look like the picture.
- 3. The applicant is required to provide "tangible benefits" for PUD developments. These tangible benefits are intended to offset the "exceptions" (variations) requested. These tangible benefits should go above and beyond what is already required by code. Again, the only possible tangible benefit as proposed is a 10' wide bike path, which would have been required for this property anyway. Tangible benefits also sometimes involve additional landscaping above and beyond what is required by code. In addition to the required landscaping around the ponds, the berm along St. Francis Road and the street trees along Waterview Trail, the applicant will be required to plant 235, 2½" caliper trees to mitigate the preservation trees lost. It's quite possible that there isn't enough space to plant these 235 mitigation trees on-site, and therefore there wouldn't be any space beyond that to add additional plantings to reach the level of a tangible benefit.

### Other:

- 1. The Fire District has reviewed the proposed site plan and does not have any additional comments at this time.
- A draft of the Covenants and Restrictions has been provided and included with this report. The draft does contain some obvious errors, such as specifically excluding patios, decks, swimming pools and gazebos as accessory structures, whereas the Village's Zoning Ordinance includes all of these under the definition of "accessory structure".
- 3. A letter has been provided from the State Historic Preservation Office (SHPO) noting that there aren't any significant cultural resources on-site that would be impacted by the proposed development.
- 4. On November 8, 2022, the applicant was asked by staff to transmit a copy of the proposed Plat to the School District and Frankfort Park District in accordance with Section 1B of Ordinance No. 2265, commonly referred to as the School and Park Donation Ordinance. On January 19, 2023, the applicant forwarded an email from the Park District, noting that they will be requesting a cash-in-lieu payment from the developer. The payment is a function of the size of each home, which is not known at this time. However, the Park District estimates a cash donation between \$134,559 and \$174,987 for the entire subdivision. Cash donations will be paid individually over time as building permits are released for new homes.

### Code Relief Requested —

The applicant is requesting the following code relief for the project. Staff recommends that these requests be included as part of the Annexation Agreement and its attachments, to eventually be approved by the Village Board. To "offset" the requested relief, the PC/ZBA may recommend additional amenities for the development, which would be conditions of approval that may also make their way into the future annexation agreement. Conversely, the PC/ZBA may choose to state for the record during the workshop that they are *not* in favor of granting some or all of the relief requests. The code relief requests, thus far, are as follows:

- The minimum lot depth for the R-2 zone district is 150' for a typical lot, but this lot depth may be decreased to 130' when the rear lot line abuts permanent, common open space. Lots 10, 14, 15 and 16 do not meet the minimum 150' depth requirement. Please see attached Lot Size, Width and Depth exhibit prepared by staff.
- The minimum lot width for the R-2 zone district is 100' for typical lots and 120' for corner lots. There are three (3) corner lots proposed (Lots 8, 9 and 25) that do not meet the 120' minimum width. Please see attached Lot Size, Width and Depth exhibit prepared by staff.
- 3. The 2008 Design Standards note that local access roads that terminate in a cul-de-sac may not exceed 750' long (page 97). The proposed road extension of Waterview Trail, including the cul-de-sac, measures approximately 1,200'.
- 4. The Land Subdivision Regulations (Ord-921), notes that cul-de-sacs or dead-end streets serving 25 or more dwelling units may not exceed 500' in length. The proposed road extension of Waterview Trail, including the cul-de-sac, measures approximately 1,200'.
- 5. The Land Subdivision Regulations (Ord-921), notes that stub street connections must be paved all the way to the boundary of the development. The stub street, as proposed, stops short approximately 30' from the west property line. The reason for this is because the subject property will be raised higher than the adjacent properties and completing the road to the property line would create a "cliff" at the terminus.

The applicant has agreed to provide a Letter of Credit to the Village as an exhibit of the annexation agreement, holding the applicant responsible for the cost of completing the stub street to the property line if and when the Fleck property to the west is developed.

### Rezoning, Findings of Fact -

The Plan Commission shall make written findings of fact and shall submit same, together with its recommendations to the Village Board, for action. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall make findings based upon all the evidence presented to it and shall consider among other pertinent matters, the following:

- 1. Existing uses of property within the general area of the property in question;
- 2. The zoning classification of property within the general area of the property in question;
- 3. The suitability of the property in question to the uses permitted under the existing zoning classification;
- 4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and
- 5. The change in zoning is in conformance with the comprehensive plan of the Village and its official map.

The proposed R-2 zoning of the subdivision would match the existing R-2 zoning to the north in the Candle Creek Subdivision. The E-R zone district to the east and the R-1 zone district to the south are generally compatible with the proposed R-2 zoning. The property to the west remains unincorporated but has a County zone district of A-1 (agricultural).

### Anticipated Review Process —

The past/future review process is as follows:

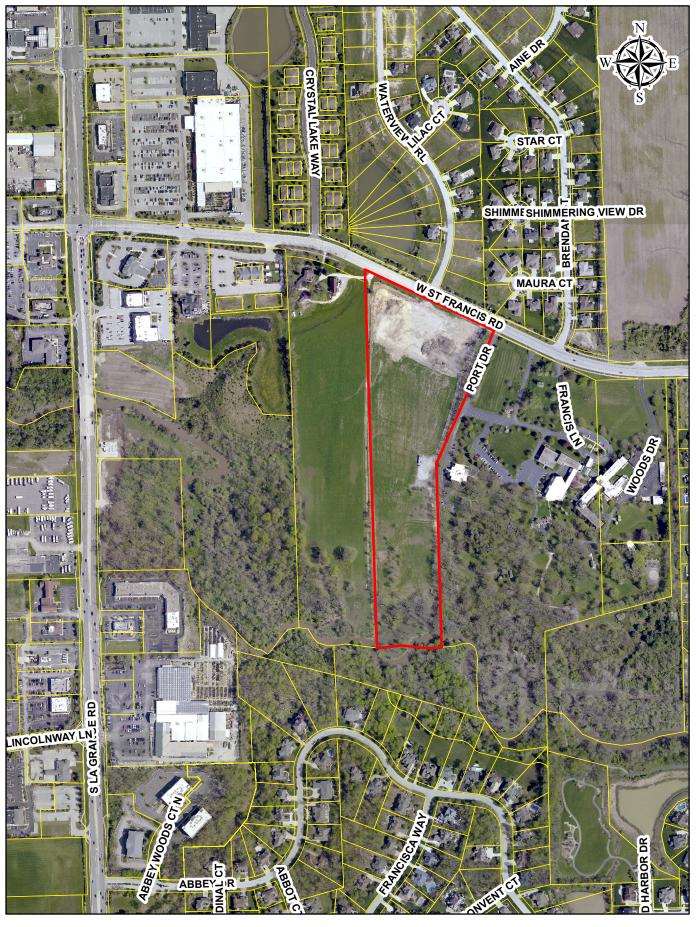
- 1. PC/ZBA workshop #1 (May 25, 2023)
- 2. PC/ZBA workshop #2 (January 25, 2024)
- 3. PC/ZBA public hearing (April 11, 2024)
- 4. Staff will send the draft annexation agreement to the Village Attorney for legal review and comment.
- 5. The Committee-of-the-Whole will review the project plans and annexation agreement, including several exhibits as attachments such as the draft CCR's.
- 6. The Village Board will act on the Preliminary Plat of Subdivision, Ordinance for the annexation agreement (Public Hearing and legal notices required), Ordinance for annexing certain land into the Village (Plat of Annexation) and an Ordinance for Rezoning from E-R (default zoning) to R-2. Also, the Board will review the proposed Plat of Easement on the Fleck property, although no formal action is required for this unincorporated property.
- 7. The PC/ZBA will review the <u>Final</u> Plat of Subdivision provide a recommendation.
- 8. The Board will act on the <u>Final</u> Plat of Subdivision.

### Affirmitive Motions -

- 1. Approve the use of retaining walls that exceed 50' long, as noted on page 70 of the Design Standards, in accordance with the reviewed plans, public testimony and findings of fact.
- 2. Recommend the Village Board approve the rezoning request for the parcel (19-09-15-300-019-0000) from E-R to R-2 upon annexation, in accordance with the reviewed plans, public testimony and findings of fact.

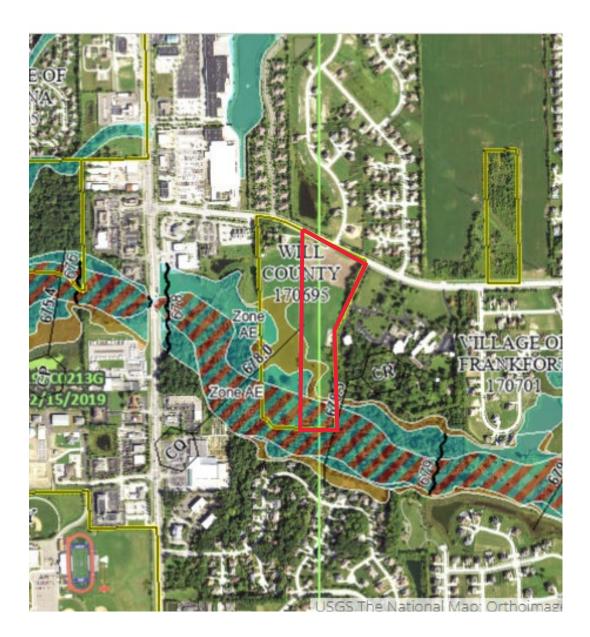
- 3. Recommend the Village Board approve the Preliminary Plat of Subdivision for Abbey Woods North, in accordance with the reviewed plans and public testimony, subject to any necessary technical revisions, conditioned upon preliminary engineering approval, dedication of right-of-way for St. Francis Road, that the outlots (including detention ponds) and the 15' wide public utility and drainage easement on the Fleck property be maintained by the Abbey Woods North Homeowners Association and providing staff a copy of the recorded Plat of Easement for the Fleck property.
- 4. Recommend the Village Board approve an exception to the 2008 Design Standards to permit a cul-de-sac local street that exceeds 750' long for Waterview Trail, to be included as part of the annexation agreement for Abbey Woods North, in accordance with the reviewed plans and public testimony.
- 5. Recommend the Village Board approve an exception to the Land Subdivision Regulations (Ord-921) to permit a cul-de-sac street serving 25 units or more that exceeds 500' long for Waterview Trail, to be included as part of the annexation agreement for Abbey Woods North, in accordance with the reviewed plans and public testimony.
- 6. Recommend the Village Board approve an exception from the Land Subdivision Regulations (Ord-921) to permit a stub street to the west that does not extend to the boundary line of the development, to be included as part of the annexation agreement for Abbey Woods North, in accordance with the reviewed plans and public testimony.
- 7. Recommend the Village Board approve a variation request to reduce the minimum corner lot width to 106.8' instead of 120' for Lot 8, which may be included as part of the Annexation Agreement for Abbey Woods North, in accordance with the reviewed plans, public testimony and findings of fact.
- 8. Recommend the Village Board approve a variation request to reduce the minimum corner lot width to 106.2' instead of 120' for Lot 9, which may be included as part of the Annexation Agreement for Abbey Woods North, in accordance with the reviewed plans, public testimony and findings of fact.
- 9. Recommend the Village Board approve a variation request to reduce the minimum corner lot width to 106.6' instead of 120' for Lot 25, which may be included as part of the Annexation Agreement for Abbey Woods North, in accordance with the reviewed plans, public testimony and findings of fact.
- 10. Recommend the Village Board approve a variation request to reduce the minimum lot depth to 123.1' instead of 150' for Lot 10, which may be included as part of the Annexation Agreement for Abbey Woods North, in accordance with the reviewed plans, public testimony and findings of fact.
- 11. Recommend the Village Board approve a variation request to reduce the minimum lot depth to 122.5' instead of 150' for Lot 14, which may be included as part of the Annexation Agreement for Abbey Woods North, in accordance with the reviewed plans, public testimony and findings of fact.
- 12. Recommend the Village Board approve a variation request to reduce the minimum lot depth to 146.4' instead of 150' for Lot 15, which may be included as part of the Annexation Agreement for Abbey Woods North, in accordance with the reviewed plans, public testimony and findings of fact.
- 13. Recommend the Village Board approve a variation request to reduce the minimum lot depth to 146.2' instead of 150' for Lot 16, which may be included as part of the Annexation Agreement for Abbey Woods North, in accordance with the reviewed plans, public testimony and findings of fact.

# Abbey Woods North - 26-lot subdivision



# Abbey Woods North - 26-lot subdivision

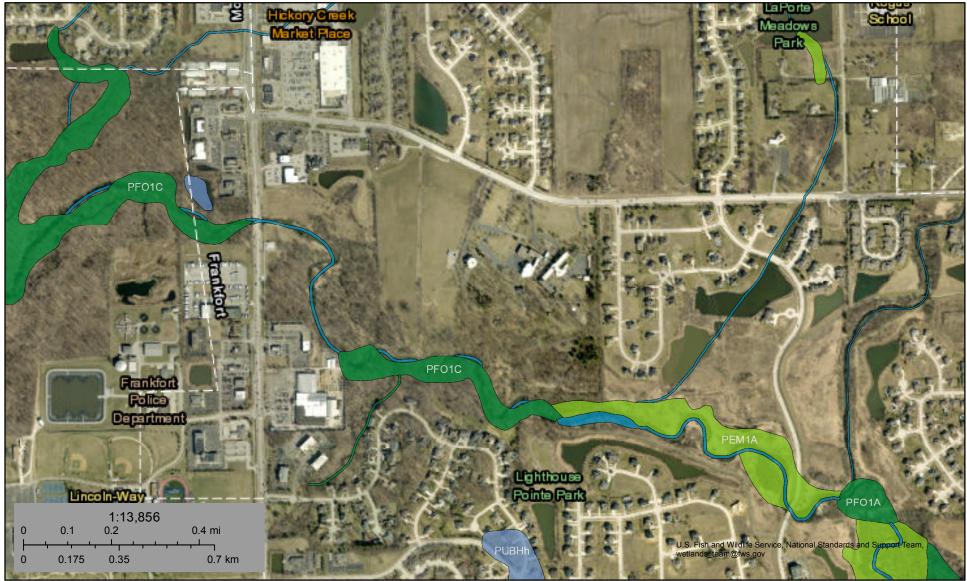






# U.S. Fish and Wildlife Service **National Wetlands Inventory**

# Abbey Woods North



### October 13, 2022

#### Wetlands

- Estuarine and Marine Wetland

Estuarine and Marine Deepwater

Freshwater Pond

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Lake Other Riverine This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

# VILLAGE OF FRANKFORT PROPOSED HICKORY CREEK BIKE PATH TOPOGRAPHIC EXHIBIT







REGULATORY FLOODWAY

0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE ZONE X

SOURCE: FEMA FLOOD INSURANCE RATE MAP DATED FEBRUARY 15, 2019

PREPARED BY:

N



15

# Lot Summary Table

	Area	Width	Depth	
Lot 1	19,029	138.5	131.2	
Lot 2	17,169	120	130.1	
Lot 3	15,530	119.7	132.5	
Lot 4	15,791	121.1	134.9	
Lot 5	15,463	125	130.8	
Lot 6	15,219	115	132.4	
Lot 7	15,547	100	157.8	
Lot 8	18,294	106.8	151.1	120' required
Lot 9	15,926	106.2	150	120' required
Lot 10	15,072	108.5	123.1	150' required
Lot 11	16,096	100	150.2	
Lot 12	15,021	100	135.3	
Lot 13	17,046	100	169.1	
Lot 14	15,023	110.2	122.5	150' required
Lot 15	15,020	102.6	146.4	150' required
Lot 16	15,018	102.7	146.2	150' required
Lot 17	15,046	116.1	152.1	
Lot 18	15,000	100	150	
Lot 19	15,000	100	150	
Lot 20	15,006	100	150	
Lot 21	16,401	100	162.5	
Lot 22	15,652	100	151	
Lot 23	19,445	100	162.1	
Lot 24	17,135	100	157.4	
Lot 25	17,800	106.6	171.6	120' required
AVG:	16,110	107.96	146.012	

# Red text indicates exception required

### STREET GEOMETRIC CRITERIA

	REGIONAL ARTERIAL	COMMUNITY ARTERIAL	MAJOR COLLECTOR	NEIGHBORHOOD COLLECTOR	LOCAL ACCESS
Right-of Way width	120'	80-100'	80'	66'	66'
Roadway width <sup>1</sup>	53-77'	36-53'	36'-51'	36'	32'
Sidewalk width <sup>2, 3</sup>	6'	6'	5'	5'	5'
Curb type	B-6.24	B-6.24	B-6.12	M-3.12 <sup>9</sup>	M-3.12
Number of traffic lanes <sup>4</sup>	4-6	2-4	2-4	2	2
Minimum Lane width	12'	12'	12'	12'	12'
On Street Parking	Prohibited	Prohibited	Prohibited	OneSidePermitted	One Side Permitted
Minimum cul-de-sac pavement radius <sup>5</sup>	N/A	N/A	55'	N/A	45'
Maximum cul-de-sac length <sup>6</sup>	N/A	N/A	1000'	N/A	750'
Maximum grade	6%	6%	6%	6%	8%
Minimum gutter grade	0.5%	0.5%	0.5%	0.5%	0.5%
Design Speed Posted Speed <sup>7</sup>	65 mph *	30-55 mph *	30-45 mph *	30 mph 25 mph	30 mph 25 mph
Minimum Return radius <sup>8</sup>	40'	40'	40'	30'	20'
Crown	2%	2%	2%	2%	2%

1. Dimensions are measured back to back of curb

2. Sidewalk shall be placed in public right-of-way, 1-foot from the property line unless otherwise approved by the Village Engineer

3. Sidewalk designated as bike path shall be a minimum width of 10' or as designated on the Bicycle Trail Master Plan.

4. Four (4) lanes required for traffic volumes over 15,000 ADT. Six (6) lanes required for traffic volumes over 25,000 ADT.

5. Cul-de-sac right-of-way radius shall be 75-feet for commercial and industrial streets and 65-feet for all others

6. The combined length of the street and diameter of the cul-de-sac

7. \*Village streets with curb and gutter shall have 45 mph maximum posted speed. Design and posted speeds shall be determined by sight distance and approved by the Village Engineer.

8. Return radii should meet turning requirements of appropriate design vehicle designated in Section 6.05B.

9. Install B-6.12 if no driveway access is required by the Plan Commission.

NOTE: These are guidelines. Actual design subject to Village review and approval.

### 9.2-9 Tangents

A tangent at least 100 feet in length shall be introduced between reverse curves on major arterials and collector streets.

### 9.2-10 Culs-de-sac or Dead-End Streets

- a. A cul-de-sac or dead-end street serving less than 25 dwelling units shall not exceed 1,000 feet in length. Culs-de-sac serving 25 or more dwelling units shall not exceed 500 feet in length.
- b. The diameter of a cul-de-sac turnaround (measured at the outside right-of-way) shall be not less than 124 feet. Pavement diameter of a cul-de-sac turnaround shall be not less than 90 feet.

### 9.2-11 Half-Streets

Street systems in new subdivisions shall be laid out so as to eliminate or avoid half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider to meet the requirements of this section.

### 9.2-12 Street Intersections

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than 75 degrees shall not be acceptable. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission. (See Figure 2, page 70, Appendix A).
- Proposed new intersections along one side of an existing street shall wherever practicable coincide with any existing intersections on the opposite side of such street. Street jogs with center line offsets of less than 150 feet shall not be permitted. Where streets intersect

-50-

# DECLARATION OF COVENANTS AND RESTRICTIONS FOR ABBEY WOODS NORTH SUBDIVISION

THIS DECLARATION is made this \_\_\_\_\_day of \_\_\_\_\_by \_\_\_\_\_, as Trustee under the provisions of a Trust Agreement dated \_\_\_\_\_\_, and known as Trust No. \_\_\_\_\_hereinafter referred to as Declarant.

# **PREAMBLES:**

A. Declarant owns fee simple title to a certain parcel of real estate in the County of Will, State of Illinois, legally described in Exhibit "A" attached hereto and made a part hereof ("the Property"); and

B. Declarant and Developer desire to develop a single-family residential development on the Property to be known as Abbey Woods North Subdivision (the "Development"); and

C. Declarant is desirous of submitting the Property to the provisions of this Declaration.

NOW, THEREFORE, Declarant hereby declares that the Property is, and shall be held, transferred, sold, conveyed and occupied, subject to the covenants and restrictions hereinafter set forth.

# ARTICLE I

# DEFINITIONS

When used in this Declaration, the following words and terms shall have the following meanings:

1.1 "Declarant" shall mean and refer to \_\_\_\_\_as Trustee under the provisions of a Trust Agreement dated \_\_\_\_\_, and known as Trust No. \_\_\_\_\_, its beneficiaries, successors and assigns. Any such successor or assignee shall be deemed a Declarant and entitled to exercise all or any rights of the Declarant provided herein if designated as such by Declarant in any instrument recorded for such purposes as provided in Section 8.12.

1.2 "Developer" shall mean and refer to \_\_\_\_\_, an Illinois limited liability company, which is the owner of 100% of the beneficial interest in, to, and under the Declarant.

1.3 "Dwelling" shall mean any building located on a Lot and intended for the shelter and housing of a single family.

1.4 "Homeowners Association" shall mean Abbey Woods North Homeowners Association.

1.5 "Improvement" or "Improvements" shall mean and include dwellings, any and all buildings, dwelling accessory building, driveways, pedestrian walkways, fences, decks, patios, hedges, lawns, sidewalks, planted trees, shrubs and all other structures or landscaping improvements of every kind and description.

1.6 "Living Area" shall mean that portion of a dwelling which is enclosed and customarily use for dwelling purposes, and having not less than eight feet (8') of headroom, but shall not include porches, terraces, breezeways, attached garage, carports, dwelling accessory buildings, or any portion below ground level at any point. A dwelling accessory building shall mean a subordinate building or a portion of a dwelling, the use of which is incidental to the dwelling and customary in connection with that use.

1.7 "Lot" shall mean each part of the property, the size and dimension of which shall be established by the legal description in the Lot Deed conveying such Lot. A Lot may also be established pursuant to the Plat of Subdivision or by an instrument in writing executed, acknowledged and recorded by Declarant which designates a part of the property as a Lot for the purposes of the Declaration.

1.8 "Lot Deed" shall mean the deed of Declarant conveying a Lot to an owner.

1.9 "Owner" shall mean and refer to the record owner, whether one or more persons of fee simple title to any Lot, including Contract Sellers, but excluding those having such interest merely as security for the performance of an obligation; The term "Owner" shall include the Developer to the extent Declarant owns Lot and also includes the interest of Developer or a Declarant as a Contract Seller of a Lot.

1.10 "Person" or "Persons" shall mean all natural individuals, corporations, partnerships, trustees, or other legal entities capable of holding title to the real property.

1.11 "Property" shall mean and refer to the real estate legally described in Exhibit "A" attached hereto and made a part hereof.

1.12 "Single Family" shall mean one or more persons, each related to the other by blood, marriage or adoption, or a group of not more than three persons not all so related, together with his or their domestic servants, maintaining a common household in a dwelling.

1.13 "Story" shall mean that portion of a dwelling included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above.

# **ARTICLE II**

### PONDS AND LANDSCAPE

2.1 It is the responsibility of the Homeowners Association to maintain the detention ponds and the bike path (the Village only maintains the inlet and outlet structures of the pond).

2.2 It is the responsibility of the Homeowners Association to maintain the retaining walls located over the multiple private lots.

2.3 It is the responsibility of the Homeowners Association to maintain the landscaping on top of and between the retaining walls (rock, native plantings).

# **ARTICLE III**

# **CONSTRUCTION REQUIREMENTS**

3.1 One Single Family Residential Dwelling. Only one single-family residential dwelling shall be built, constructed) erected, or allowed to exist on each lot in the Subdivision. None of the lots in the Subdivision as originally platted shall be divided or re-subdivided except for the purpose of combining portions thereof with an adjoining lot or lots provided that no additional building site is created thereby. Any single ownership or single holding by any person or persons which comprises the whole of one of said lots (as originally platted and subdivided) and a part or parts of one or more adjoining lots, for the purposes of this Declaration, shall be deemed to constitute a single lot upon which only one single-family residential dwelling maybe erected, constructed, built or allowed to exist.

3.2 Dwelling Styles. Only two-story homes and ranch homes shall be built, constructed, erected or allowed to exist on any lot in the Subdivision. No tri-level homes, bi-level homes, or split-level homes shall be built, constructed, erected or allowed to exist on any lot in the Subdivision. No prefabricated home, modular home, log home or log sided home shall be constructed, built, erected or allowed to exist on any lot in the Subdivision.

3.3 Minimum Living Area. A two-story residential dwelling shall contain at least two thousand eight hundred (2,800) square feet of living area, not less than thirteen hundred (1,300) square feet of which will be on the first floor, exclusive of garage, breezeway, porches and basement. A one-story residential dwelling shall contain at least two thousand five hundred (2,500) square feet of living area, exclusive of garage, breezeway, porches and basement. Any residential dwelling having more than one story shall be deemed to be a two-story residential dwelling for the purposes of this paragraph 3.3.

3.4 Building Set Backs. No building or structure shall be built, constructed, erected or allowed to exist closer to the front lot line or street than the front building set back line shown on the Plat of Subdivision for that particular lot. There shall be a side yard setback from the sides of the building or structure to the side lot line of each lot as follows: all structures shall be set in from the side lot line a distance of not less than ten (10) feet on the least side,

with the sum of the two sides not less than twenty-five (25) feet or as provided by the Village of Frankfort zoning ordinance.

3.5 Exterior Construction Materials. The exterior of the first floor of each single-family residential dwelling, to include the garage, shall be constructed of brick or stone. Except for fascia, soffits, gutters and down spouts, no aluminum or vinyl siding shall be allowed on the exterior of any single-family residential dwelling, to include the garage, constructed, erected or built on any lot in the Subdivision.

3.6 Roof Material and Pitch. Roofs may only be constructed of architectural grade (i.e. Oak Ridge II, Timberline, Hallmark, etc.) thirty (30) year shingles. The minimum roof pitch of each house is to be 8/12.

3.7 Garage Requirements. As appurtenant to the single-family residential dwelling constructed, erected or built on each lot, a private garage of sufficient size to house not less than two (2) standard size American made automobiles shall be constructed or erected, which garage must be either attached directly to the single-family residential dwelling or by an enclosed breezeway and must be architecturally designed to complement the main single-family residential dwelling. Such garage shall not be used at any time as a residence, whether temporary or permanent.

3.8 Driveways. A concrete or paver brick driveway shall be constructed on each lot in the subdivision from the curb line to the entrance of the garage. No asphalt driveways shall be allowed to be constructed or to exist on any lot in the Subdivision.

3.9 Sidewalks. Prior to the issuance of an occupancy permit for the Dwelling constructed, built or erected on any lot in the Subdivision or \_\_\_\_\_\_, whichever date is earlier, the Owner of each lot in the Subdivision shall construct all public sidewalks required for such lot in accordance with the subdivision ordinance of the Village of Frankfort.

3.10 Parkway Landscaping. Prior to the issuance of an occupancy permit for any Dwelling erected on each lot in the Subdivision or \_\_\_\_\_\_, whichever date is earlier, the Owner of each lot in the Subdivision shall landscape that portion of the parkway between the sidewalk and the curb line which is adjacent to such lot, to include grading, seeding or sodding of the parkway and the planting of the necessary parkway trees in accordance with the landscape plan approved by the Village of Frankfort in regard to the Subdivision. The size, species and location of such parkway trees shall be in accordance with the landscape plan approved by the Village of Frankfort in regard to the Subdivision. The size, species and location of such parkway trees shall be in accordance with the landscape plan approved by the Village of Frankfort in regard to the subdivision and the subdivision landscaping ordinance of the Village of Frankfort. The Owner of each lot in the subdivision shall be responsible for the watering, replacement and maintenance of the parkway landscaping.

3.11 Sump Pump Drains. Prior to the issuance of an occupancy permit by the Village of Frankfort for a dwelling constructed on any lot in the Subdivision, the Owner shall be responsible to hook up the sump pump drain from the dwelling to the existing sump pump drain installed by the Developer.

3.12 Landscaping. Prior to the issuance of an occupancy permit for any Dwelling constructed on each lot in the Subdivision or \_\_\_\_\_\_, whichever date is earlier, the Owner of each lot in the Subdivision shall plant trees in the front yard of the lot. The size and species of such trees shall be in accordance with the subdivision landscaping ordinance of the Village of Frankfort. Said trees shall be located at least ten (10) feet from the driveway, at least ten (10) from any sidewalk and at least ten (10) feet from the dwelling. The watering, replacement and maintenance of said trees shall be the responsibility of the Owner. Within ninety (90) days after a Dwelling erected on each lot in the Subdivision is occupied or such additional time as necessary due to seasonal requirements, but in no event more than one hundred eighty (180) days after occupancy, the Owner shall establish a lawn and complete the landscaping of the lot.

3.13 Grading Plan. Each Owner during construction of the dwelling on each lot shall conform to the grading plan prepared by the Developer's Engineer and approved by the Village Engineer of the Village of Frankfort. Any and all excess fill and excess dirt shall be removed from the lot. No excess fill or dirt shall be placed on any drainage easement or utility easement. At no time shall the contours of any drainage easement or utility easement be disturbed or altered.

3.14 Fences. Any and all fences erected on any lot or portion of a lot in the Subdivision shall be bronze colored aluminum open picket fences of the Jerith Manufacturing Company, Inc. Style No. 202 fence design or such other similar fence design. The height of such fence shall be no greater than or no less than sixty inches (60") except as required by the ordinances of the Village of Frankfort. No fence shall be erected beyond the front exterior of the

dwelling on the lot. No chain link, wrought iron, wood, split-rail or any other kind of fence other than as set forth above shall be constructed, erected, built or allowed to exist on any lot or any portion of any lot in the Subdivision.

3.15 Swimming Pools. No above ground swimming pools shall be constructed, erected or allowed to exist on any Lot.

3.16 Accessory Structures. No accessory structure or building, including but not limited to barns, stables, sheds, detached garages, pole buildings or green houses shall be constructed, erected or allowed to exist on any lot in the Subdivision. For the purposes of this paragraph, patios, decks, swimming pools and gazebos shall not be considered to be accessory structures or buildings.

3.17 Construction and Completion of Dwelling. The work of constructing, altering or remodeling any dwelling on any lot in the Subdivision shall be prosecuted diligently from its commencement and until completion thereof. The complete exterior structure or shell, not including finished exterior materials (e.g. brick, stone or other approved material), must be completed, erected and constructed within ninety (90) days after the date of construction of such dwelling shall have been commenced. The completed shell covering (including the roof and all exterior walls) on every dwelling commenced to be constructed on any lot in the subdivision shall be completed within six (6) months after the date of commencement of such dwelling shall be to require that from the street and from adjoining lots each such dwelling shall appear completed within said six (6) months.

3.18 Destruction of Dwelling. In the event any dwelling is destroyed either wholly or partially by fire or other casualty, said dwelling shall be promptly rebuilt, repaired or remodeled to conform to this Declaration, or if not rebuilt, repaired or remodeled, all remaining portions of the dwelling, including the foundation and all debris shall, within ninety (90) days from the date of such fire or casualty, be removed from the lot and any excavation remaining on said lot shall be promptly filled with dirt, stone or other fill material.

3.19 Air Conditioning Units. Any and all air conditioning units or condensers shall be located on the side or rear of each Dwelling and shall be landscaped so as to be concealed from view from any street or adjoining lot.

# **ARTICLE IV**

# ARCHITECTURAL CONTROL TO PRESERVE THE BEAUTY, QUALITY AND VALUE OF THE DEVELOPMENT

4.1 Necessity of Architectural Review and Approval. No Dwelling or structure of any kind, including, without limitation, any building, fence, wall, swimming pool, tennis court, screen enclosure, decorative building, deck, gazebo, play structure, lighted recreational area, landscaping, landscape device or object structure or other improvement shall be commenced, erected, placed or maintained upon any Lot, nor shall any addition, change or alteration therein or thereof be made, unless and until the plans, specifications and location of the same shall have been submitted to, and approved in writing by the Architectural Review Committee (ARC). All plans and specifications shall be evaluated as to harmony of external design and location in relation to surrounding structures and topography. No foundation shall be poured nor shall construction commence in any manner or respect until the layout for the structure is approved by the ARC.

4.2 Architectural Review Committee. The Architectural Review Committee shall consist of two (2) or more members appointed by the Developer. In the event the Developer shall relinquish its authority to appoint the members of the ARC, or shall fail to appoint one or more members to the ARC, or upon the expiration of 10 years from the date of this Declaration, whichever comes first, the members of the ARC shall be appointed by the Board of Directors of the Association.

- 4.3 Powers and Duties of the ARC. The ARC shall have the following powers and duties:
  - (a) To require submission to the ARC of two (2) complete sets of all plans and specifications for any Dwelling or structure of any kind, including, without limitation, any building, swimming pool, tennis court, screen enclosure, decorative building, landscape device or object, structure or other improvement, the construction or placement of which is proposed upon any Lot in the Subdivision. The ARC may review and pre-approve preliminary plans of a proposed Owner prior to the submission of plans and specifications from an architect with the final review and approval contingent upon submission of plans and specifications from a licensed architect provided for herein.

The ARC may require submission of samples of building and construction materials proposed for use on any Lot and such additional information as reasonably may be necessary for the ARC to completely evaluate the proposed structure or improvement in accordance with this Declaration including but riot limited to, a site plan showing location of the buildings, landscape plan, fences, gas or electric yard light and other structures upon the Lot. At the time the plans and specifications are submitted to the ARC, the Owner shall pay to the ARC a fee of Three Hundred Dollars (\$300.00) for the ARC's services in reviewing the plans and specifications.

- (b) The ARC shall have the unrestricted right to prevent the building of and to disapprove of any construction plans submitted to it as aforesaid if, in the sole opinion of the ARC:
  - (i) Such construction plans are not in accordance with all of the provisions of this Declaration.
  - (ii) If the design, exterior and interior size, exterior shape, exterior construction materials or color scheme of the proposed building or other structure is not in harmony with the adjacent buildings, structures of the character of the Development; or
  - (iii) If such construction plans as submitted are incomplete; or
  - (iv) If the ARC deems the construction plans or any part thereof or any material used on the exterior of the building to be contrary to the spirit or intent of these conditions and restrictions, or contrary to the interest, welfare, or rights of all or any part of the real property, subject hereto, or the Owners thereof, or of the adjacent property Owners, all in the sole and uncontrolled discretion of the ARC; or
  - (v) If the ARC shall, within its sole and unlimited opinion and discretion, deem the construction plans or any part thereof or the building or structure to be unacceptable or of such design or proportions, or to be constructed of such unsuitable materials or exterior color schemes as shall depreciate or adversely affect the values of other sites or buildings in the Development.
  - (vi) If the elevation, roof lines and color scheme are too monotonous when considered in the context of other existing homes within five (5) lots of the proposed Dwelling.

The decisions of the ARC shall be final. Neither the Developer nor any agent of the Developer nor any member of the ARC shall be responsible in any way for any defects in any construction plans submitted, revised or approved in accordance with the foregoing, nor for any structural or other defects in any work done according to such construction plans.

# ARTICLE V

# **GENERAL RESTRICTIONS**

5.1 Single-Family Dwelling. Only one dwelling shall be erected or allowed to exist on any of the lots and said dwelling shall be used or occupied principally as a single-family dwelling. No room or rooms in any Dwelling or part thereof may be rented or leased and no paying guests shall be quartered in any Dwelling. Nothing contained in this paragraph, however, shall be construed as preventing the renting or leasing of an entire Dwelling as a single unit to a single family.

5.2 Unpermitted Uses. No business or profession of any nature shall be conducted on any lot or in any Dwelling constructed on any lot in the subdivision, except the business of sale of lots and houses in the subdivision by the Developer, its successors or assigns. Each Dwelling on every lot in the subdivision or any part or portion thereof shall be used or occupied for single-family, private residential purposes exclusively and shall never be used or occupied for trade, commercial, business or agricultural purposes of any kind or nature. The non-permitted uses prohibited shall include, but shall not be limited to, the use of any portion of a Dwelling or lot in the subdivision as an apartment dwelling, hospital, sanitarium, rest home, nursing home, hotel, motel, boarding house, or for the storing of commercial equipment or materials or for professional offices and business or professional purposes. No portion of any dwelling shall be used for child day care, adult day care or pet day care purposes for any remuneration, profit, commercial or financial gain. No portion of any dwelling shall be used for a beauty salon, manicure salon or pet grooming salon. Notwithstanding any provisions of this paragraph to the contrary, nothing herein shall prevent an Owner from using a portion of a dwelling as

a home office provided however (i) no advertising of the business or profession is displayed anywhere in or on the Dwelling or the lot; (ii) no portion of the Dwelling or the home office is used to meet with the public, customers and clients; and (iii) no deliveries of goods, materials or merchandise used in the business or profession are made to the Dwelling. Nothing herein shall be construed as to prevent the Developer, its successors or assigns from erecting a single-family residential dwelling on any lot or lots in the subdivision and using such dwellings as a sales office and/or model home for the purpose of the sale of the lots or homes in the Subdivision provided, however, that such use shall be terminated and shall be prohibited after an occupancy permit has been issued for all lots in the Subdivision.

5.3 No Temporary Buildings. No temporary house, tool shed, playhouse, detached garage, storage building, camper, travel trailer, habitable motor vehicle, trailer, tent, stand, recreational appurtenance, shack, basement or other structure or building of a temporary character shall be constructed, placed, allowed to exist or used on any lot in the Subdivision at any time as a residence, either temporarily or permanently, and no dwelling erected on any lot shall be occupied in any manner at any time prior to its full completion. Said completion shall be evidenced by issuance of an occupancy permit by the Village of Frankfort.

5.4 Vehicles. No trucks, truck-mounted campers, motor homes, trailers, house trailers, buses, boats, boat trailers, travel trailers, campers, junk automobiles, dilapidated or disabled vehicles of any kind shall be maintained, stored or parked on any street or right-of-way in the Subdivision. No trucks, truck-mounted campers, motor homes, trailers, house trailers, buses, boats, boat trailers, travel trailers, campers, junk automobiles, dilapidated or disabled vehicles of any kind, motorcycles, motor bikes, all-terrain vehicles or any other vehicle other than an automobile or sports utility vehicle shall be maintained, stored or parked on any of the lots in the Subdivision unless housed or garaged completely in a structure which complies with this Declaration so as to fully screen them from view from the streets and from adjoining lots. This restriction shall not apply to the temporary parking of such vehicles for a period of forty-eight consecutive hours on two (2) occasions during any calendar month.

5.5 Junk, Machinery and Materials. No implements, machinery, lumber or building materials shall be permitted to remain exposed on any lot so that such items are visible from the street or any adjoining lot, except as necessary during the period of construction of a dwelling thereon. No lot or any portion thereof shall be used for storage of junk or for wrecking yards.

5.6 Animals. No more than two (2) dogs, cats or other bona fide household pets per residence may be kept in any dwelling or any lot provided that they are not kept, bred, boarded or maintained for any commercial purposes, or remuneration, profit or financial gain and provided they do not make any objectionable noises and do not otherwise create a nuisance or inconvenience to any of the owners of the lots in the Subdivision. No horses, ponies, goats, chickens, other farm animals or foul, or dangerous or predatory animals, reptiles or birds shall be kept in any dwelling or on any lot in the Subdivision. No fence, other than the style of fence allowed under this Declaration, dog run or other enclosure shall be erected or constructed on any lot in the Subdivision for the purposes of containing animals or pets. No dog, cat or other pet shall be permitted to run at large, and when not on a leash, shall be contained on the lot owned by the person having custody of the same by either an invisible electronic fence, a fence of the style approved under this Declaration, or other restraint. Any animals or pets which cause objectionable noises or otherwise constitute a nuisance or inconvenience in the judgment of the Developer or Homeowners Association shall forthwith be removed from the Subdivision by the person having custody of the same.

5.7 Nuisance. No noxious or offensive activity shall be carried on, in any dwelling or upon any lot in the Subdivision, nor shall anything be done thereon which may constitute or become an annoyance or nuisance to any of the other Owners in the Subdivision.

5.8 Garbage. All garbage, trash, rubbish and other refuse shall be collected and stored in an area or areas concealed from view except as required for pick-up service. All garbage placed at curb side shall be in covered containers. Garbage should not be placed at curb side until after dark on the evening prior to pick up. Containers shall be removed from the curb side on the day of pickup.

5.9 Antennas and Satellite Dishes. The operation of ham or other amateur radio stations or the erection of any communication antenna, television antenna, communication dish or satellite dish in excess of two (2) feet in diameter shall not be allowed unless completely screened from view from all streets and adjoining lots. No radio antenna, television antenna or other communication antenna, dish or tower shall be erected on the roof or exterior of any dwelling. No communication towers of any kind or sort shall be erected on any lot in the Subdivision. Notwithstanding any provision of this paragraph to the contrary, nothing herein shall prohibit the erection or placement of a television satellite

reception dish not exceeding two feet (2') in diameter on the exterior of the Dwelling provided that same is not located on the roof of the Dwelling. No television satellite reception dish in excess of two feet in diameter shall be erected, placed or allowed to exist on any lot in the Subdivision.

5.10 Utilities. All public utility cable, television and radio pipes, mains, tiles, conduits, wires, cables, lines, service lines and other appurtenances constructed, laid or installed on any lot in the Subdivision, must to the extent possible, be buried beneath the ground, except for the necessary pedestals and transformers required to serve the underground facilities.

5.11 Exterior Lighting. Outside or exterior lights serving any lot in the Subdivision shall not exceed an illumination of 100 watts per light. Any lights or fixtures attached to Improvements shall not be installed beyond ten feet above the surface of the ground. Outside or exterior lights serving any lot in the Subdivision shall not exceed an illumination of 100 watts per light. Any lights or fixtures attached to Improvements shall not be installed beyond ten feet above the surface of the ground.

5.12 Signs. No commercial, advertising or business sign shall be erected or placed upon any Dwelling or lot in the Subdivision other than a "For Sale" sign not exceeding two foot (2') by three foot (3') in size. This provision shall not apply to any sign which the Developer may erect or authorize identifying and/or advertising the Subdivision, lots in the Subdivision, adjoining land or any model homes which may be deemed necessary by the Developer, its successors and assigns for the operation and sale of the lots and homes in the Subdivision. In addition, a builder of any dwelling in the Subdivision shall be allowed to erect a sign not to exceed four foot (4') by four foot (4') on each lot in the Subdivision owned by the builder. At such time that the dwelling is occupied, such sign shall be removed from the lot. Signs are prohibited upon all public parkways and within ten feet (10') of the street right-of-way.

### **ARTICLE VI**

### MAINTENANCE OF SUBDIVISION IMPROVEMENTS

6.1 Ownership and Maintenance of Outlots A, B, and C. Upon establishment of the Homeowners Association, but no later than \_\_\_\_\_\_\_the Developer shall convey to the Homeowners Association fee simple title to Outlots A, B, and C. Until such time that Outlots A, B, and C are conveyed to the Homeowners Association, the Developer shall be responsible for the maintenance of same. At such time that Outlots A, B, and C are conveyed to the Homeowners Association, the Homeowners Association, the Homeowners Association shall thereafter be responsible for the maintenance of same.

6.2 Subdivision Sign Maintenance. Until such time that the Homeowners Association is established, the Developer shall be responsible for the maintenance of the Subdivision identification sign located at or near the \_\_\_\_\_Road entranceway to the Subdivision. Upon establishment of the Homeowners Association, the Homeowners Association shall be responsible for the maintenance of the Subdivision identification sign located at or near the road entranceway to the Subdivision.

6.3 Homeowners Association Maintenance Requirements. Upon the establishment of the Homeowners Association, the Homeowners Association shall be responsible for and have the following maintenance requirements in regard to the common areas of the Subdivision:

- (a) To maintain, mow, cut, trim and water the grass and landscaping located on Outlots A, B, and C of the Subdivision;
- (b) To maintain the continuous flow and operating capability of the detention lakes located on Outlots A, B, and C of the Subdivision, to maintain and restore the banks and shoreline of same, to maintain the sightly appearance of same and to maintain same in an environmentally safe and non-stagnant condition.
- (c) To maintain, mow, cut, trim the grass and landscaping within the 15' wide public utility & drainage easement on the adjacent property to the west, commonly known as the Fleck property, located at 9433 W. St. Francis Road (PIN: 19-09-15-300-015-0000), as illustrated on the Plat of Easement for this property.

The Homeowners Association shall perform the above maintenance in accordance with and in conformance with the rules, requirements, regulations and ordinances of the Village of Frankfort.

Owners Maintenance Requirements. The Owner of each lot shall at all times keep said lot in a clean and sightly 6.4 condition. No trash, litter, junk, boxes, containers, bottles, cans or waste construction material shall be permitted to collect or remain exposed on any lot, except as necessary during the period of construction. The Owner of each lot shall be responsible for the cutting and removal of weeds on a regular basis on each lot so as to conform with the requirements, ordinances and regulations of the Village of Frankfort. On a daily basis during the period of construction of a Dwelling on each lot, the Owner of each lot shall remove and clean any and all mud, dirt and debris from the curbs and streets deposited thereby as a result of such construction activity. In the event that during the period of construction of a Dwelling on any lot, any subdivision improvement, to include curbs, streets, sidewalks, light poles, signs, buffalo boxes, storm sewers, sanitary sewer hookups and/or sump pump hookups are damaged, it shall be the responsibility of the Owner of the lot, at Owner's expense to repair or replace same in accordance with the requirements and ordinances of the Village of Frankfort. The Owner of each lot shall not alter the grading of any drainage easement or public utility easement. In the event the Village of Frankfort, within three (3) years after the issuance of an occupancy permit in regard to any Dwelling, shall require' the replacement or repair of curbs or sidewalks in front of such lot, the Owner of said lot shall at Owner's expense repair or replace such sidewalk or curb in accordance with the requirements and ordinances of the Village of Frankfort. In the event of the failure of the Owner to make such repairs, Developer shall have the right to file a lien against Owner's lot and the improvements thereon for any costs of repairs incurred by the Developer. It shall be the responsibility of each Owner to remove snow and ice from the sidewalk in front of each Owner's lot, and to maintain, mow, cut, trim, water and replace as necessary the grass and trees in the parkway between the sidewalk and curb in front of each Owner's lot in accordance with the requirements and ordinances of the Village of Frankfort.

### **ARTICLE VII**

### **HOMEOWNERS ASSOCIATION**

7.1 Organization. The Developer has formed an Illinois not for profit corporation known as Abbey Woods North Homeowners Association.

7.2 Membership. Each Owner of a lot in the Subdivision by acceptance of a deed to such lot shall automatically become a member of the Homeowners Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot. Each Member shall be entitled to one (1) vote for each Lot owned by such Member on each matter submitted to a vote of Members; provided, however, that where there is more than one Owner of a Lot, such Co-Owners of a Lot shall only be entitled to one vote. Members shall be subject to assessment for the purposes and duties of the Homeowners Association.

7.3 Existence. The Homeowners Association shall have a perpetual existence and shall not be terminated or dissolved.

7.4 Control. The initial control of the Homeowners Association shall be with the Developer. The Developer shall tum over control of the Homeowners Association to the Owners at such time deemed appropriate by the Developer; provided however, that control of the Homeowners Association shall be turned over to the Owners no later than that time that the Dwellings constructed on sixty percent (60%) of the lots in the Subdivision are Owner occupied. At such time that the Developer turns control of the Homeowners Association over to the Owners, the Homeowners Association shall be controlled by a Board of Directors consisting of five (5) directors who shall be elected annually by the Members of the Homeowners Association.

7.5 Duties. The Homeowners Association shall hold legal title to Outlots A, B, and C of the Subdivision and shall at all times pay the real estate taxes in regard thereto and keep same insured at all times under a general liability insurance policy. The Homeowners Association shall be responsible for the maintenance of Outlets A, B, and C in accordance with the provisions of Section 6.3 of this Declaration and the rules, requirements, regulations and ordinances of the Village of Frankfort. In addition, the Homeowners Association shall have such duties which are ancillary to the above-mentioned purposes and such other duties undertaken by the Homeowners Association pursuant to the affirmative vote of two-thirds (2/3) of the Members.

7.6 Rights. The Homeowners Association shall have the right to enforce the provisions of this Declaration against the Owner or Owners of each and every Lot in the Subdivision. In addition, the Homeowners Association shall have the right to assess the Members in order to perform the duties set forth in Section 7.5 above.

### **ARTICLE VIII**

### ASSESSMENTS

8.1 Reserve Assessment. At such time that an occupancy permit is issued in regard to a Dwelling constructed on each lot in the Subdivision, the Owner of the occupied Dwelling shall be subject to a reserve assessment in the amount of Two Hundred Dollars (\$200.00) which shall be paid to the Homeowners Association and held in a reserve account for the purposes and duties set forth in Section 6.3 of this Declaration. At the time of the initial conveyance from the Declarant of each lot in the Subdivision, the grantee in the initial deed of conveyance shall pay a reserve assessment in the amount of Two Hundred Dollars (\$200.00) to the Homeowners Association to be held in a reserve account and used for the purposes and duties set forth in Section 6.3 of the Declaration.

8.2 Annual Assessment. The Homeowners Association shall have the right to levy an annual assessment on the Owners for the estimated expenses for the purposes set forth in Section 6.3 of this Declaration, the purposes set forth in Section 7.5 of this Declaration, and any other incidental expenses in operating the Homeowners Association. Such annual assessments shall be made equally among all the Owners. Such annual assessment shall be for a calendar year basis and shall be due and payable by March 1 of each calendar year. The Owner of any lot in the Subdivision on which the Dwelling is occupied subsequent to January 1 but prior to December 31 shall pay a prorated annual assessment at the time that the Dwelling is occupied. The grantee in the initial deed of conveyance from the Declarant in regard to any lot in the Subdivision shall pay a prorated annual assessment from the date of the initial conveyance to December 31.

8.3 Special Assessments. The Homeowners Association shall only have the right to levy special assessments on the Owners for the purposes set forth in Sections 6.3 and 7.5 of this Declaration and only upon the affirmative approval of said special assessment by two-thirds (2/3) of the Members. Any such special assessment shall be assessed equally among all of the Owners. Notwithstanding any provision of this paragraph to the contrary, in the event that the Village of Frankfort exercises its rights under paragraph 8.9 below, the Village of Frankfort shall have the right to levy special assessments on the Owners for the purposes set forth in Section 6.3 of this Declaration.

8.4 Exemption. Notwithstanding any provision in this Declaration to the contrary, at no time shall the Developer or any lot owned by the Developer be subject to any assessment, reserve assessment, annual assessment, special assessment or lien for assessment.

8.5 Lien For Assessment. The Developer and/or the Homeowners Association shall have a lien against each and every lot for any and all assessments due and payable to the Developer and/or Homeowners Association by the Owners.

8.6 Enforcement. Any assessments or other charges which are not paid when due shall be delinquent. If the assessment or charge is not paid within thirty (30) days after the due date, the assessment shall bear interest from and after the due date at the rate of nine percent (9%) per annum, and the Homeowners Association and/or the Developer may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the Owners' lot, and interest, costs and reasonable attorneys' fees incurred in any such action shall be added to the amount of any such over-due assessment. The amount of any delinquent and unpaid charges or assessments, and interest, costs and fees as above provided, shall be and become a lien or charge against the Lot of any such Owner when payable and may be foreclosed by an action brought in the name of the Homeowners Association and/or the Developer as in the case for foreclosure of mortgage liens against real estate.

8.7 Subordination of Lien. The lien of assessments provided for herein shall be subordinate to the lien of any Mortgage now or hereafter placed on the Lots. In the event of the issuance of a deed pursuant to the foreclosure of such prior Mortgage or in lieu of such foreclosure, the grantee of such deed shall take title free and clear of any lien for assessments authorized by this Declaration so long as any such lien shall have arisen prior to the date of recording of any such deed.

8.8 Rights of the Village of Frankfort. In the event that at any time the Homeowners Association fails to perform the duties and requirements set forth in Section 6.3 of this Declaration, in accordance with and in conformance with the rules, requirements, regulations and ordinances of the Village of Frankfort, upon demand by the Village of Frankfort, the

Homeowners Association shall assign all of its rights and remedies under this Article VIII, to include, but not limited to, the right to assess the Owners of the Lots in the Subdivision, the right to lien the Lots in the Subdivision for unpaid assessment and the right to enforce the unpaid assessments and liens against the Owners at law or in equity. Thereafter, the Village of Frankfort shall have the right, but not the obligation, on behalf of the Homeowners Association to assess the Owners of the Lots in the Subdivision for any of the purposes set forth in Section 6.3 of this Declaration, the right to collect and expend such assessments, the right to lien the Lots in the Subdivision for such assessments and the right to enforce such assessment and/or liens against the Owners of the Lots in the Subdivision at law or in equity.

### ARTICLE IX

### **GENERAL PROVISIONS**

9.1 The covenants and restrictions of this Declaration shall run with the land, and shall inure to the benefit of and be enforceable by the Declarant, Developer or the Owner of any Lot, their respective legal representatives, heirs, successors, and assigns, for a term of twenty (20) years from the date this Declaration is recorded in the Office of the Recorder of Deeds of Will County, Illinois, after which time said covenants shall be automatically extended for successive periods often (10) years, subject to amendment as hereinafter provided.

9.2 If and to the extent that any of the covenants would otherwise be unlawful or void for violation of (a) the rule against perpetuities, (b) the rule restricting restraints on alienation, or (c) any other applicable statute or common law rule analogous thereto or otherwise imposing limitations upon the time during which such covenants maybe valid, then said covenant shall continue and endure only until the expiration of twenty-one (21) years after the death of the last to survive of the class of persons consisting of all of the lawful descendants of Joseph R. Biden, President of the United States, at the date of this Declaration.

9.3 Each grantee of Declarant by taking title to a Lot, and each purchaser under any contract for a deed of conveyance pursuant to which said grantee will take title, accepts said title subject to all covenants, conditions, restrictions, liens and charges, and the jurisdiction, - rights and powers created or reserved by this Declaration, and all rights, benefits and privileges of every character hereby granted, created, reserved or declared, and all impositions and obligations hereby imposed -shall be deemed and taken to be covenants running with the land, and shall bind any person having at any time any interest or estate in said land, and shall inure to the benefit of such person in like manner as though the provisions of this Declaration were recited and stipulated at length in each and every deed of conveyance, or in any mortgage or trust deed or other evidence of obligation, and the rights described in this Section or described in any other part of this Declaration shall be sufficient to create and reserve such rights to the respective grantees, mortgagees and trustees of such Lot as fully and completely as though such rights were recited fully and set forth in their entity in any such documents.

9.4 Developer, the Homeowners Association and each Owner from time to time shall have the right jointly and separately to sue for and obtain a prohibitive or mandatory injunction to prevent the breach of, or to enforce the observance of, the covenants and obligations. above set forth, or any of them, in addition to the right to bring a legal action for damages. In the event the Developer, the Homeowners Association or an Owner brings an action for mandatory injunction to prevent the breach of or to enforce the provisions of this Declaration or a legal action for damages, such party shall be entitled to recover any and all costs, expenses and reasonable attorneys' fees incurred in such suit.

9.5 The Owners may revoke, modify, amend or supplement in whole or in part any or all of the covenants, obligations and conditions contained in this Declaration and may release all or any part of the Property from all or any part of this Declaration. All such revocations, modifications, amendments or supplements may be made effective at any time if the Owners of at least two-thirds (2/3) of the Lots and the Developer consent thereto. The consent of Developer shall be necessary until released by Developer. Any such revocations, modifications, amendments or supplements or supplements shall be effective only if expressed in a written instrument or instruments executed and acknowledged by each of the consenting Owners, and Declarant, and Developer, and recorded in the Office of the Recorder of Deeds of Will County, Illinois.

9.6 Declarant retains the right to amend these Covenants at any time without the approval of the Owners. Any such revocation, modification, amendment or supplement made by the Developer shall be effective only if expressed in a written instrument executed and acknowledged by the Developer and Declarant and recorded in the Offic&of the

Recorder of Deeds of Will County, Illinois. In furtherance of the foregoing, a power coupled with an interest is hereby reserved and granted to the Declarant to make such amendments. Said power shall be irrevocable until such power is relinquished by Declarant. Each deed, mortgage, trust deed, or other evidence of obligation, or other instrument affecting the Lot and the acceptance thereof shall be deemed to be a grant and acknowledgment of, and a consent to the reservation, the power of the Declarant to make such amendments.

9.7 Notwithstanding any provision of this Declaration to the contrary, the provisions of Sections 6.3, 7.2, 7.3, 7.5, 8.3, 8.4, 8.6, 8.7 and 8.9 shall not be revoked, modified or amended without the written consent of the Village of Frankfort.

9.8 The provisions of this Declaration shall be liberally construed to effectuate the purpose of. creating a uniform plan for development for the property.

9.9 In the event title to any Lot is conveyed to a titleholding trust, under the terms of which all powers of management, operation and control of the Lot remain vested in the trust beneficiary or beneficiaries, then the beneficiaries thereunder from time to time shall be responsible for payment of all obligations, liens or indebtedness and for the performance of all agreements, covenants, obligations and undertakings chargeable or created under this Declaration against any such Lot. No claim shall be made against any such titleholding trustee personally for payment of any lien or, obligation hereunder created and the trustee shall not be obligated to sequester funds or trust property to apply, in whole or in part, against such lien or obligation. The amount of such lien or obligation shall continue to be a charge or lien upon said Lot and the beneficiaries of such trust, notwithstanding any transfers of the beneficial interest of any such trust of any transfers of title to any such Lot.

9.10 All headings set forth herein are intended for convenience only and shall not be given or construed to have any substantive effect on the provisions of this Declaration. The singular shall include the plural wherever the Declaration so requires, and the masculine the feminine and neuter and vice versa.

9.11 If a court of competent jurisdiction shall hold invalid or unenforceable any part of this Declaration, such holding shall not impair, invalidate or otherwise affect the remainder of this Declaration which shall remain in full force and effect.

9.12 Notwithstanding anything herein to the contrary, either or both of Declarant and Developer, as Declarant and Developer in their sole discretion may determine, hereby reserve the right to transfer, assign, mortgage or pledge any and all of either's respective privileges, rights, title and interest hereunder, or in the Property, by means of recording an assignment of such with the Office of the Recorder of Deeds of Will County, Illinois. Upon such assignment, either or both of Declarant and Developer, as the case maybe, shall be relieved from any liability arising from the performance or non-performance of such rights and obligations accruing from and after the recording of such assignment. No such successor assignee of the rights of either or both of Declarant and Developer, as the case may be, shall be relieved from any liability arising from the performance or non-performance of such rights of either or both of Declarant and Developer, as the case may be, shall be relieved from any liability arising from the performance or non-performance of such rights of either or both of Declarant and Developer, as the case may be, shall have or incur any liability for the obligations or acts of any predecessor in interest.

This instrument is executed by \_\_\_\_\_, not personally but solely as Trustee, as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by \_\_\_\_\_, are undertaken by it solely as Trustee, as aforesaid, and not individually, and all statements herein made are made on information and belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.



March 20, 2024

- To: M. Gingerich Gereaux & Associates 25620 S. Gougar Road Manhattan, IL 60442
- Attn: Mr. Brian Hertz, PE
- RE: Abbey Woods North (Project Number 22-R0713) Preliminary Engineering Conditions

### Dear Mr. Hertz:

On behalf of the Village of Frankfort, we reviewed the 3/05/24 Preliminary Plat and supporting documents and find them to be in general compliance with the Village of Frankfort requirements with the following conditions.

- A) As discussed, the <u>west stub street will be extended at a later time</u>; the current plan includes an extension of the roadway as reasonably practicable based on existing topography while still allowing for future development of the adjacent parcel. Furthermore, temporary barricades are needed at the end of this roadway for safety purposes and to prevent vehicles from leaving the stub street and utilizing the adjacent driveway. Please continue to work with Village Staff to confirm any related conditions and/or procedural requirements.
- *B)* <u>Three locations are proposed with walls.</u> The Village of Frankfort Design Standards strongly discourages the use of retaining walls. We note the following:
  - *i.* Along the east property, the wall is approximately 256' long and up to 1.3' high.
  - *ii.* There are two portions of wall proposed along the west property line:
    - a. North of the roadway: The wall is approximately 250' long and up to 2.0' high, (previously 3.3' high).
    - b. South of the roadway: The wall is approximately 371' long and up to 2.5' high, (previously 5.6' high).
  - iii. Walls with 2.5' height or greater and/or 50' length must be approved by the Plan Commission.
  - *iv. Walls with 2.5' height or greater require a railing.* For conformity, Village Staff recommends including a railing along the walls in Lots 7-11. Please confirm railing materials with Village Staff.
  - v. Add "No Fence Easement" to the PU&DE in lots where walls and swales are proposed (east and west).
  - vi. Maintenance of all walls will be the responsibility of the homeowners or association.
- *C)* Approvals from outside agencies/entities are the responsibility of the owner and/or owners' engineer. Provide a copy of all correspondence, including but not limited to:
  - *i.* <u>Offsite property owner (to the west) and Will County for the proposed work:</u>
    - *a.* The existing swale for the offsite area to the north is proposed along the north portion of the shared property line (approximately 600'); as such, a 15' permanent drainage easement is proposed; and an additional 10' temporary easement is proposed. The developer will prepare these offsite plats of easement as part of the project scope.
    - b. The existing driveway is proposed to be relocated for approximately 440' of the property.
    - *c.* <u>*Grading is proposed to transition the proposed subdivision elevation to the existing elevations of the undeveloped property.* Additional work is needed for the future roadway extension.</u>
  - *ii.* USACE: jurisdiction determination and permitting requirements for "Drainageway 1" along the west property line; we note that the site plan proposes to preserve "Wetland 1" with a buffer per Village Design Standards.
  - *iii.* IDNR (if applicable; the plans currently only show excavation within the floodway)
  - *iv.* IEPA (Water, Sewer and NPDES)
  - v. Fire Department 6/23/2023 email concurs with the maneuverability exhibit.
- *D)* We note that the cul-de-sac length exceeds the Village Design Standards for 750' maximum length.
- *E)* Confirm tree preservation and landscaping requirements, including berms along St. Francis Road with Village Staff.
- *F)* We note that grades along the east property line are proposed at 3:1 maximum where the existing swale is being adjusted/replaced; in some locations existing slopes exceed 3:1. All proposed 3:1 areas are on private property.

- *G)* The alignment of the proposed multi-use path may require revisions within the outlot currently proposed (and compensatory storage). This can be addressed during final engineering.
- H) The following grading and drainage clarifications will be required during final engineering:
  - i. Revised calculations are needed for the capacity along the west property line, including ponding depth over the new inlets. Revise the north pond outlet to connect to the proposed storm sewer rather than daylight with a flared end section and rip rap.
  - *ii.* The following stormwater calculation will need to be confirmed with final engineering: Section E2 will not be allowed to increase the flow depth. The stations and elevations used offsite vary between and existing and proposed conditions. Provide existing topography with the cross-section location.
  - *iii.* Arrows showing drainage patterns on the Drainage Area Exhibit and Preliminary Plans do not represent actual existing or proposed conditions. Based on the provided topography and county topography, there appears to be sheet flow towards the rear property lines of Lots 17-23.
  - *iv.* To the extent practicable, use 1% minimum bottom slope of swales and all grassed areas.
  - v. Additional swale locations for the offsite overland flow routes will need to be calculated/verified.
  - vi. Onsite swales/overland flow routes and complete supporting documentation have not been submitted/verified.
- I) It is the owner and owner's consultant and contractors' responsibility to verify that all existing and proposed utilities (electric, gas, telephone, underground cable, etc.) and related easements are shown on the plans and plat and that they will be relocated/removed accordingly with any and all required approvals. Show the existing utility pole location near the proposed entrance and label for relocation.
- *J)* The owner and/or contractor are responsible for verifying soil conditions and subgrade conditions for the proposed roadway, foundations, walls, etc.
- *K*) Stormwater basins will be owned and maintained by the property owner.
- L) Preliminary engineering scope of review does not yet include review of plats, easements, detailed grading, conveyance calculations, utility crossings, pavement design, detectable warnings, lighting, traffic signs, soil erosion and sediment control, construction specifications and details. These items will be reviewed upon complete submittal of engineering items and/or request by the developer's team. The final engineering submittal shall also include critical duration analysis (with all supporting input) for the sizing of the detention basins and offsite tributary runoff conveyance areas.

Please note that this engineering review is based on the Village of Frankfort Design Standards (June 2009) and the Village of Frankfort Flood Regulations (February 2019) and excludes review of site, planning, zoning, lot geometry, photometric, lighting details, signage and landscaping requirements of other Village ordinances and codes being performed by the Development Services Department and other Village designees.

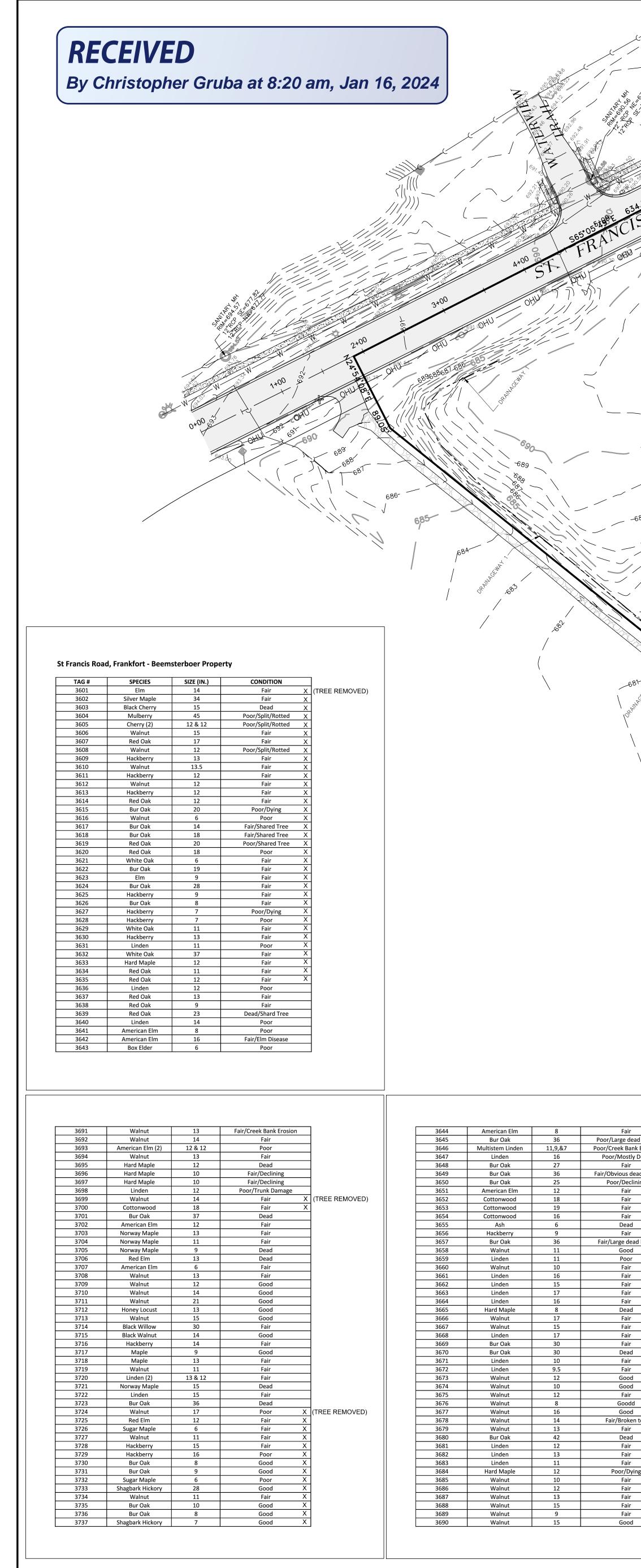
The purpose of the review is to provide pertinent information to the owner/developer for consideration in the development of the site. This review is only for general conformance with the design criteria established by the Village and is subject to both the completeness of the information submitted by the developer's professional staff and also the actual ability of the plan to perform in accordance with its intent. Actual field conditions may vary and additional items may arise which are not readily apparent based on this submittal. The developer's design professionals are responsible for performing and checking all design computations, dimensions, and details relating to design, construction, compliance with all applicable codes and regulations, and obtaining all permits. The responsibility remains with the developer to demonstrate that all aspects of the plans comply with the standards and requirements of the Village and all other applicable authorities, whether stated or not in this review letter. Additionally, other bodies of government have jurisdiction over various aspects of this development. The developer is advised, through copy of this letter that additional measures may be required based on actual field conditions and formal approvals of the other agencies. Construction for this project shall not commence until approvals are granted by the Village Board (as may or may not be applicable for this project) and approval is provided by Village Staff to do so.

Should you have any questions or require any further information, contact me at <u>dwest@reltd.com</u> or (815) 412-2702.

Very truly yours,

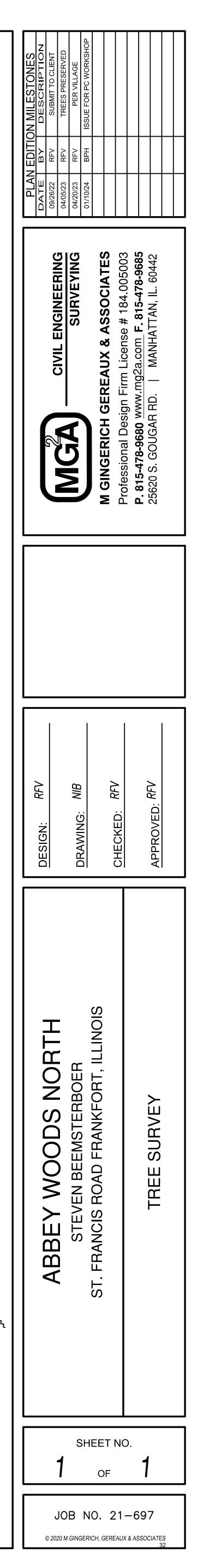
)ana E. West

Dana E. West, PE, CFM, CPESC Senior Project Manager



		\$ 695.55 9+85		
		29+00 		
54 MW 66		Of the second se		
St. N. W.	8+00	4-22		
7+00	30 A			
6+00 6+00	OHU CHU			
A.7ª ROAD		E		
S 0HU )				
	69 <sup>4</sup>			
			K	
	693 ()			
	£			Ostra
691				
			the second is	
		×83		
		<sup>6</sup> <sup>6</sup> ¢		
-688				
687684				
je de la companya de				1.50 P
			/ ( <sub>688</sub> , _	
81 No. 19				
AND REAL STREET				
680			685	
			-684	686
			683	
	Contraction of the second seco		682	684 684 684 684
			680 1500 100 00 00 00 00 00 00 00 00 00 00 00	\
		680 P		
		Ŷ		
ead limbs nk Erosion	3738Shagbark Hickory3739Bur Oak3740Bur Oak	7         Good         X           9         Good         X           6         Good         X	REE REMOVED)	
y Dead lead limbs	3741Bur Oak3742Bur Oak3743Shagbark Hickory	6         Good         χ           7         Good         χ           7         Good         χ		6239 619 6239 6239 6239 6239 6239 6239 6239 623
lining	3745Black Walnut3746Black Walnut	10         Fair         X           21         Good         X           16         Good         X           8         Dead         X		\$ 9 9
	3748Black Cherry3749American Elm3750Walnut	9DeadX9FairX8FairX		1
ad limbs I	3752Hackberry3753Hackberry	11FairX14FairX14FairX7GoodX		
	3756         Bur Oak           3757         Bur Oak	13         Good         X           12         Good         X           13         Good         X		
	3758American Elm3759Bur Oak	9 Fair X 7 Fair X		
d 1				
en top				
ring				
i			NOT	E:
			TRE	E SIZE & CONDITION INFORMATION HOMER TREE SERVICE





# PLAT OF SURVEY

# RECEIVED

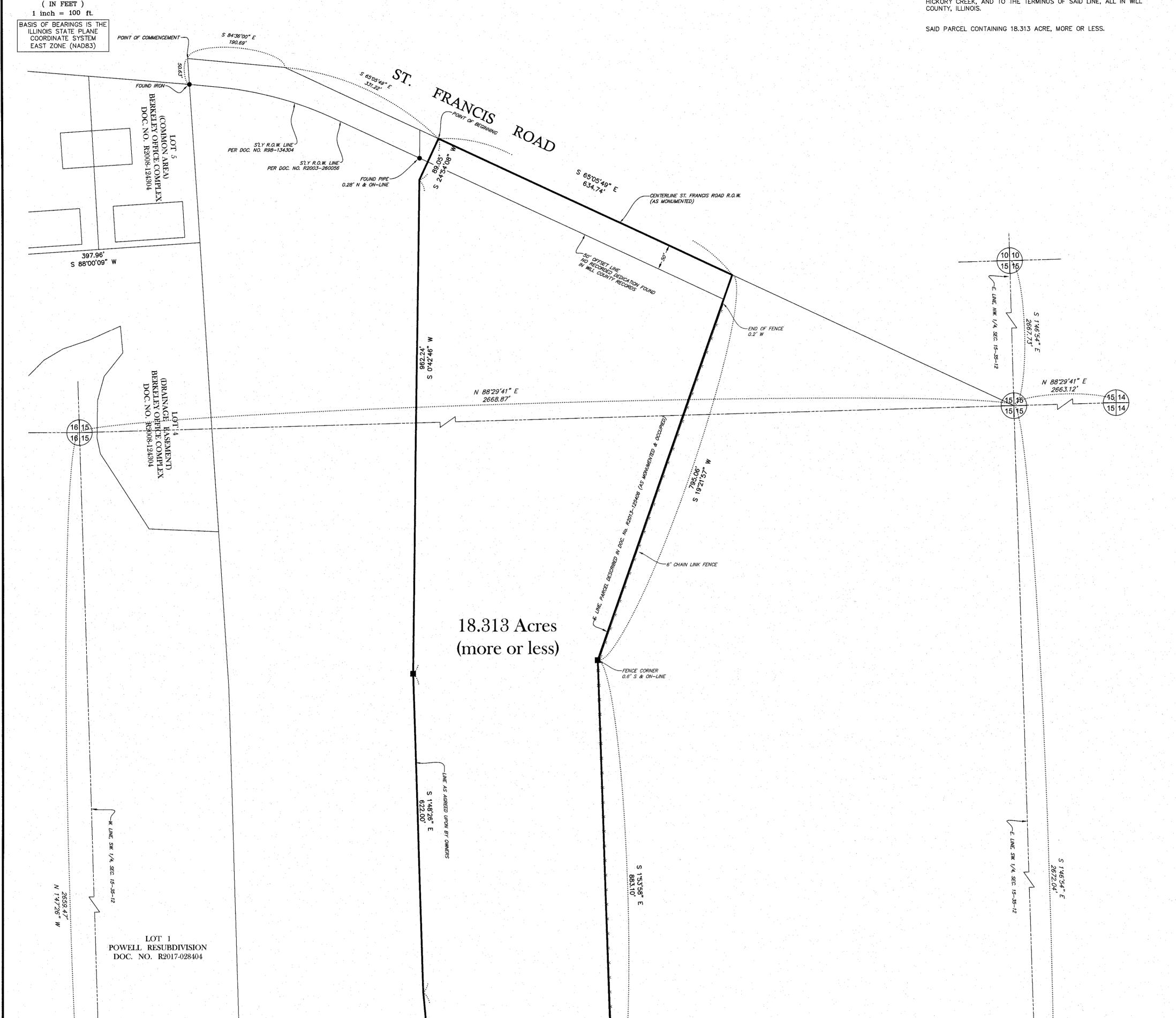
GRAPHIC SCALE

100 .

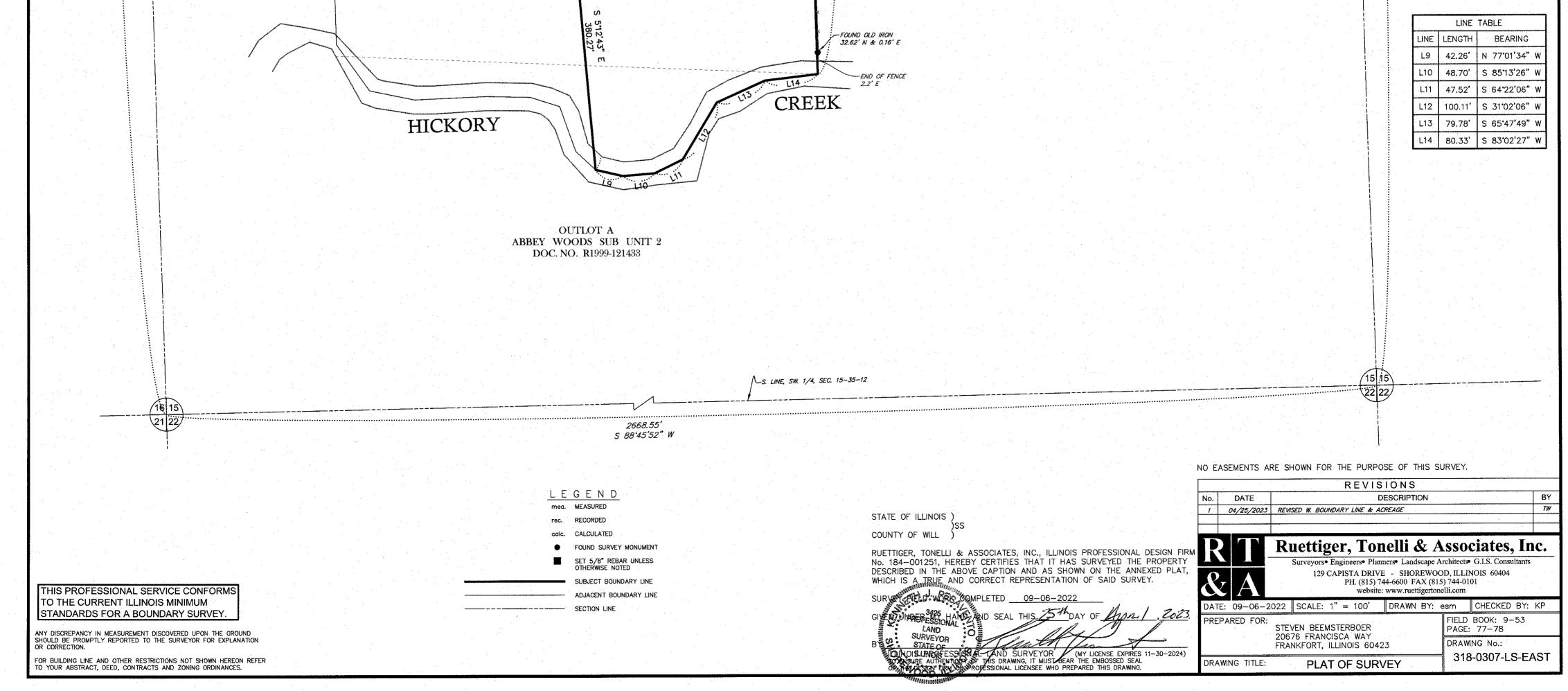
By Christopher Gruba at 8:46 am, Jan 16, 2024

LEGAL DESCRIPTION

THAT PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTERLINE OF ST. FRANCIS ROAD, AS MONUMENTED, LYING NORTH OF THE CENTERLINE OF HICKORY CREEK, AND LYING WEST OF THE EAST LINE OF THE PARCEL OF LAND DESCRIBED IN DOCUMENT NO. R2013–125406, AS MONUMENTED AND OCCUPIED, AND LYING EAST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHEAST CORNER OF HICKORY CREEK NORTHWOODS SUBDIVISION, BEING A SUBDIVISION OF PART OF SAID SECTION 15, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 2001 AS DOCUMENT NO. R2001–083477, SAID NORTHEAST CORNER BEING THE CENTERLINE OF ST. FRANCIS ROAD, AS MONUMENTED; THENCE SOUTH 84 DEGREES 36 MINUTES 00 SECONDS EAST, ON SAID CENTERLINE OF ST. FRANCIS ROAD, 190.69 FEET TO AN ANGLE POINT; THENCE SOUTH 65 DEGREES 05 MINUTES 49 SECONDS EAST, ON SAID CENTERLINE, 331.22 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 24 DEGREES 54 MINUTES 08 SECONDS WEST, 89.05 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 46 SECONDS WEST, 962.24 FEET; THENCE SOUTH 01 DEGREES 42 MINUTES 46 SECONDS EAST, 622.00 FEET; THENCE SOUTH 05 DEGREES 12 MINUTES 43 SECONDS EAST, 380.27 FEET TO THE CENTERLINE OF SAID HICKORY CREEK, AND TO THE TERMINUS OF SAID LINE, ALL IN WILL COUNTY, ILLINOIS.



FOUND OLD IRON 123.10' N & ON-LINE



33

# PLAT OF ANNEXATION

THE VILLAGE OF FRANKFORT, ILLINOIS

### LEGAL DESCRIPTION:

THAT PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTERLINE OF ST. FRANCIS ROAD, AS MONUMENTED, LYING NORTH OF THE CENTERLINE OF HICKORY CREEK, AND LYING WEST OF THE EAST LINE OF THE PARCEL OF LAND DESCRIBED IN DOCUMENT NO. R2013-125406, AS MONUMENTED AND OCCUPIED, AND LYING EAST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHEAST CORNER OF HICKORY CREEK NORTHWOODS SUBDIVISION, BEING A SUBDIVISION OF PART OF SAID SECTION 15, ACCORDING TO THE PLAT THEREOF RECORDED JULY 3, 2001 AS DOCUMENT NO. R2001-083477, SAID NORTHEAST CORNER BEING THE CENTERLINE OF ST. FRANCIS ROAD, AS MONUMENTED; THENCE SOUTH 84 DEGREES 36 MINUTES 00 SECONDS EAST, ON SAID CENTERLINE OF ST. FRANCIS ROAD, 190.69 FEET TO AN ANGLE POINT; THENCE SOUTH 65 DEGREES 05 MINUTES 49 SECONDS EAST, ON SAID CENTERLINE, 331.22 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 24 DEGREES 54 MINUTES 08 SECONDS WEST, 89.05 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 46 SECONDS WEST, 962.24 FEET; THENCE SOUTH 01 DEGREE 48 MINUTES 26 SECONDS EAST, 622.00 FEET; THENCE SOUTH 05 DEGREES 12 MINUTES 43 SECONDS EAST, 380.27 FEET TO THE CENTERLINE OF SAID HICKORY CREEK, AND TO THE TERMINUS OF SAID LINE, ALL IN WILL COUNTY, ILLINOIS.

> OWNER: STEVE BEEMSTEBOER 20676 FRANCISCA WAY FRANKFORT, ILLINOIS 60423

> > PRESIDENT AND BOARD OF TRUSTEES CERTIFICATE

STATE OF ILLINOIS ) SS COUNTY OF WILL )

APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FRANKFORT, WILL COUNTY, ILLINOIS AT A PUBLIC MEETING HELD: THIS DAY OF , 20 .

VILLAGE CLERK

BY:\_\_\_\_\_\_ VILLAGE PRESIDENT

ATTEST:

ORDINANCE NO.:

DATE

SURVEYOR'S CERTIFICATE

### STATE OF ILLINOIS COUNTY OF KANKAKEE

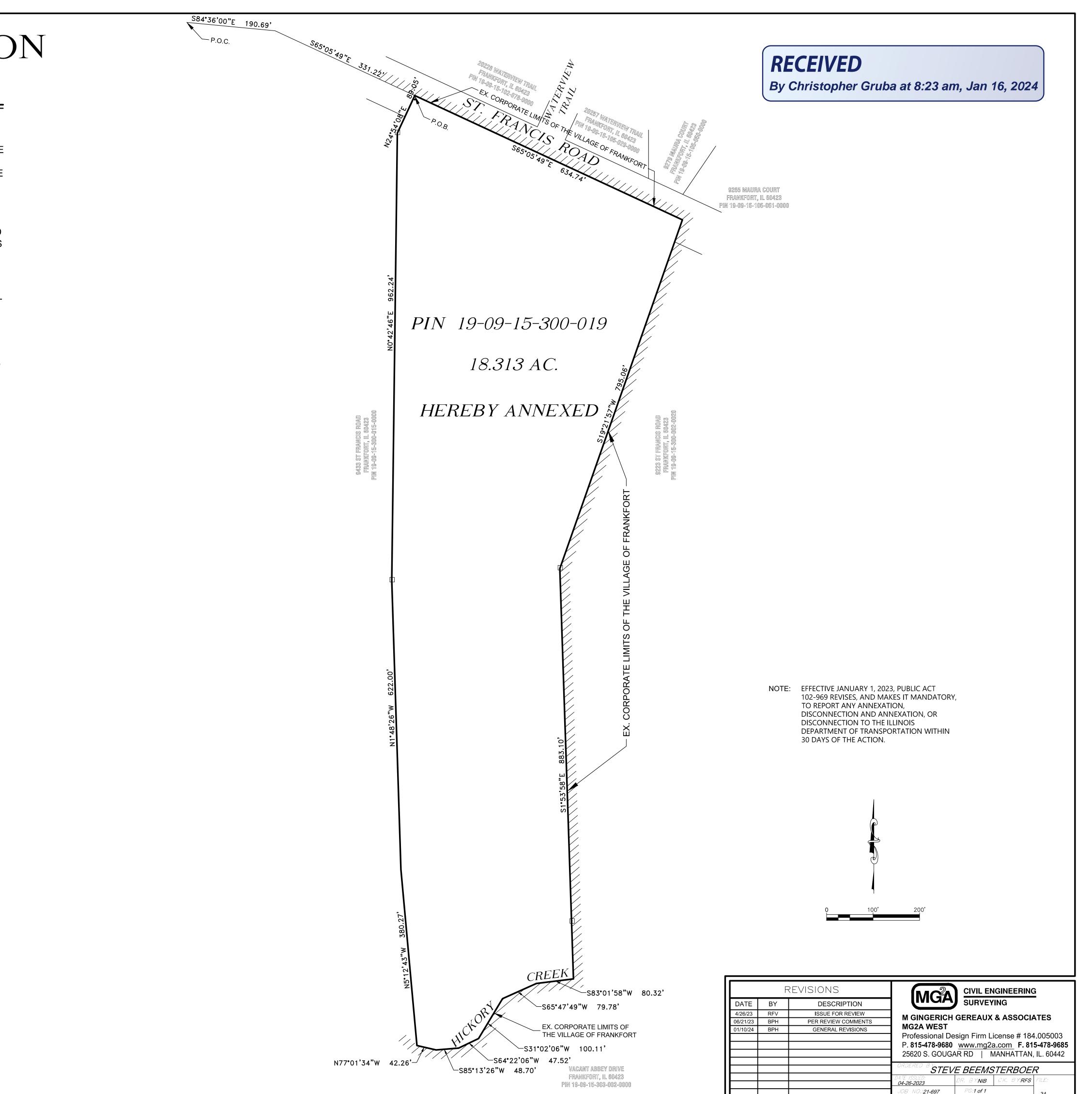
I, <u>MARK J. SCHIERHOLZ</u>, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT AS HEREON DRAWN IS A CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED IN THE FOREGOING CAPTION.

FURTHERMORE, I DESIGNATE THE VILLAGE OF FRANKFORT TO ACT AS MY AGENT FOR THE PURPOSES OF RECORDING THIS DOCUMENT.

DATED THIS 26th DAY OF JANUARY, 2022.

MARK J. SCHIERHOLZ ILLINOIS PROFESSIONAL LAND SURVEYOR MARK J. SCHIERHOLZ 035-003105 BRADLEY, ILLINOIS OF ILLINUT

LICENSE NO. 035-003105 LICENSE EXPIRES NOVEMBER 30, 2024



# RECEIVED By Christopher Gruba at 9:49 am, Apr 01, 2024

ATERVIEW

### NOTES:

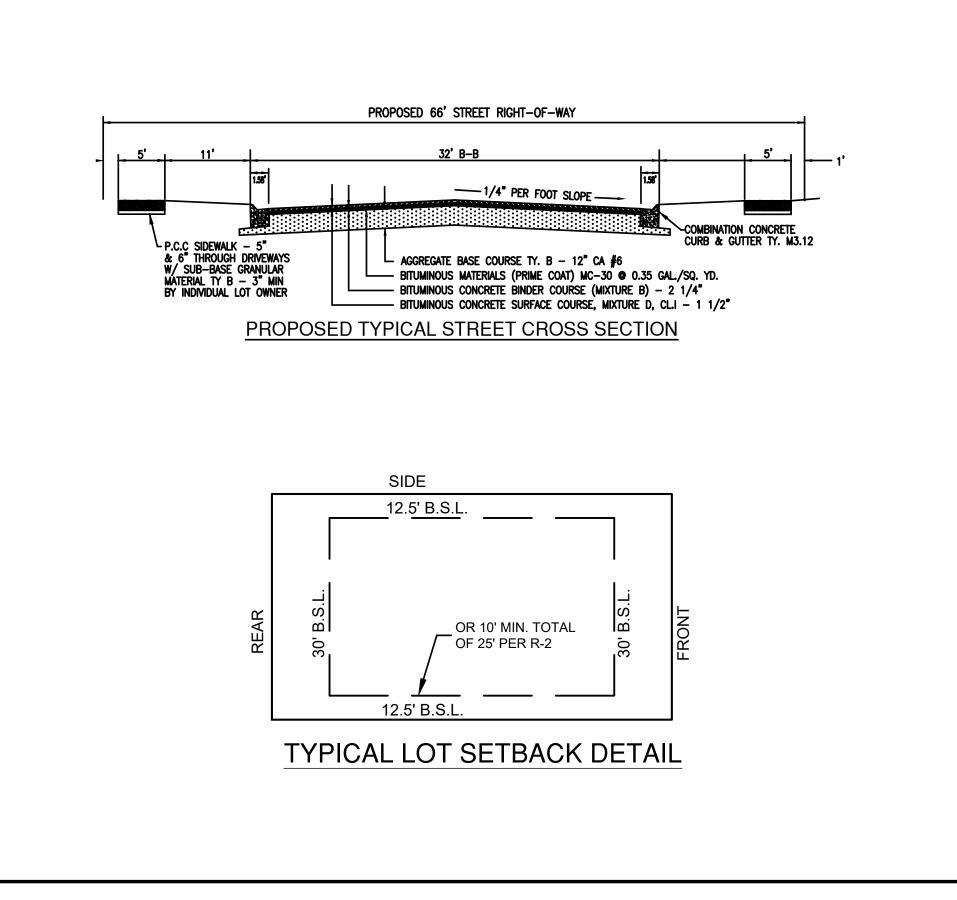
1. OUTLOTS A, B & C, THE DETENTION, BIKE PATH & CONSERVATION AREAS, SHALL BE MAINTAINED BY THE HOA. THIS SHOULD BE ADDED TO THE COVENANTS AND RESTRICTIONS.

2. OUTLOTS D AND E, THE CUL-DE-SAC ISLANDS, SHALL BE MAINTAINED BY THE HOA. THIS SHOULD BE ADDED TO THE COVENANTS AND RESTRICTIONS.

3. THE CUL-DE-SACS HAVE A DIAMETER OF 130 FEET (SHOWN AS A 65-FOOT RADIUS).

- 4. THE CUL-DE-SAC ISLANDS HAVE A DIAMETER OF 40 FEET (SHOWN AS A 20-FOOT RADIUS).
- 5. ALL SIDEWALKS SHALL BE 5 FEET WIDE, EXCEPT THE SIDEWALK ALONG ST FRANCIS ROAD SHALL BE 6 FEET WIDE.

6. MAINTENANCE OF ALL LANDSCAPE WALLS WILL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.





### LEGAL DESCRIPTION:

ALL IN WILL COUNTY, ILLINOIS.

THAT PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTERLINE OF ST. FRANCIS ROAD, AS MONUMENTED, LYING NORTH OF THE CENTERLINE OF HICKORY CREEK, AND LYING WEST OF THE EAST LINE OF THE PARCEL OF LAND DESCRIBED IN DOCUMENT NO. R2013-125406, AS MONUMENTED AND OCCUPIED, AND LYING EAST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHEAST CORNER OF HICKORY CREEK NORTHWOODS SUBDIVISION, BEING A SUBDIVISION OF PART OF SAID SECTION 15, ACCORDING TO THE PLAT THEREOF RECORDED JULY 2, 2001 AS DOCUMENT NO. R2001-083477, SAID NORTHEAST CORNER BEING THE CENTERLINE OF ST. FRANCIS ROAD, AS MONUMENTED; THENCE SOUTH 84 DEGREES 36 MINUTES 00 SECONDS EAST, ON SAID CENTERLINE OF ST. FRANCIS ROAD, 190.69 FEET TO AN ANGLE POINT; THENCE SOUTH 65 DEGREES 05 MINUTES 49 SECONDS EAST, ON SAID CENTERLINE, 331.22 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 24 DEGREES 54 MINUTES 08 SECONDS WEST, 89.05 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 46 SECONDS WEST, 962.24 FEET; THENCE SOUTH 01 DEGREE 48 MINUTES 26 SECONDS EAST, 622.00 FEET; THENCE SOUTH 05 DEGREES 12 MINUTES 43 SECONDS EAST, 380.27 FEET TO THE CENTERLINE OF SAID HICKORY CREEK, AND TO THE TERMINUS OF SAID LINE,

SAID PARCEL CONTAINING 18.313 ACRES, MORE OR LESS.

### PIN: 19-09-15-300-019-0000

### SITE DATA SUMMARY

**GROSS SITE AREA** 

ST. FRANCIS ROAD ROW ON-SITE ROAD ROW NORTH DETENTION HWL SOUTH DETENTION HWL

NET SITE AREA

PROPOSED ZONING

TOTAL NUMBER OF UNITS

GROSS DENSITY

NET DENSITY

MINIMUM LOT WIDTH

MINIMUM LOT DEPTH

MINIMUM LOT AREA

ACE EXTION

LA SHI

MINIMUM CORNER LOT WIDTH

MAXIMUM BUILDING HEIGHT

REQUIRED FRONT YARD SETBACK

REQUIRED REAR YARD SETBACK

REQUIRED SIDE YARD SETBACK

0.73 ACRES 2.40 ACRES 1.14 ACRES 0.81 ACRES

18.31 ACRES

18.31 - 5.08 = 13.23 ACRES

R-2 SINGLE-FAMILY

25 UNITS

25/18.31 = 1.37 UNITS/ACRE (GROSS)

25/13.23 = 1.89 UNITS/ACRE (NET)

100-FT

150-FT (130-FT ADJ. TO OPEN SPACE)

15,000 SQ FT

120-FT (106-FT LOTS 8, 9, 25 REQUESTED)

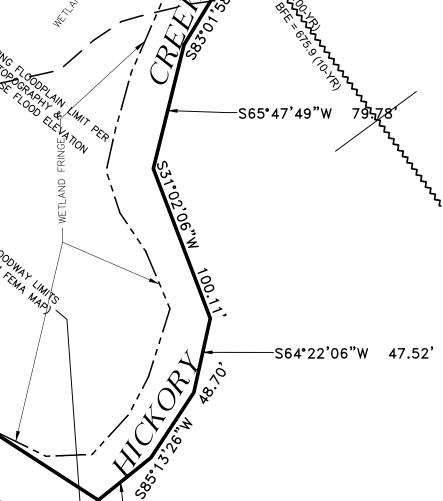
35-FT

30-FT

30-FT

25-FT TOTAL (10-FT MIN.)

 $\langle \mathcal{F} \rangle$ 

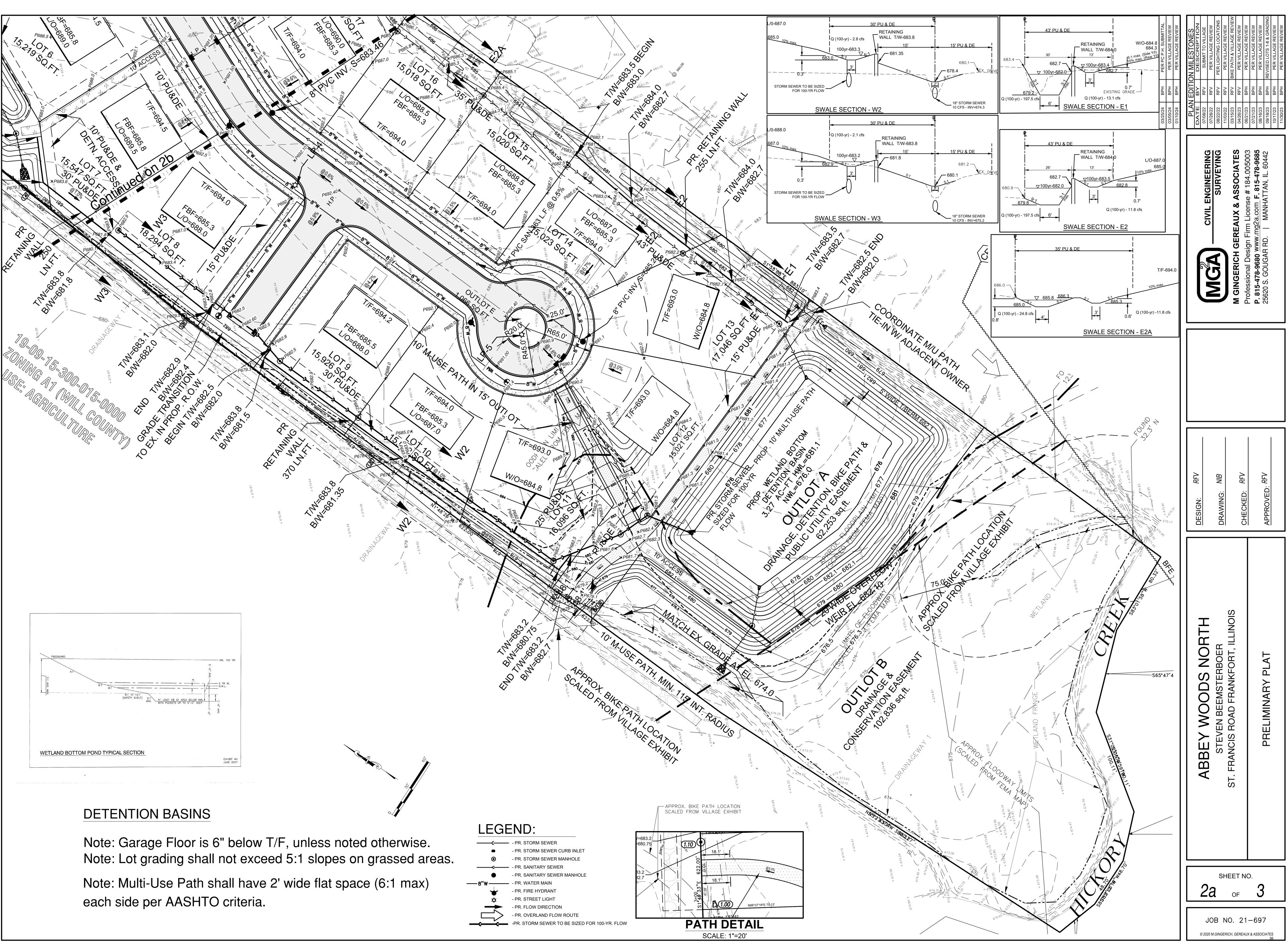


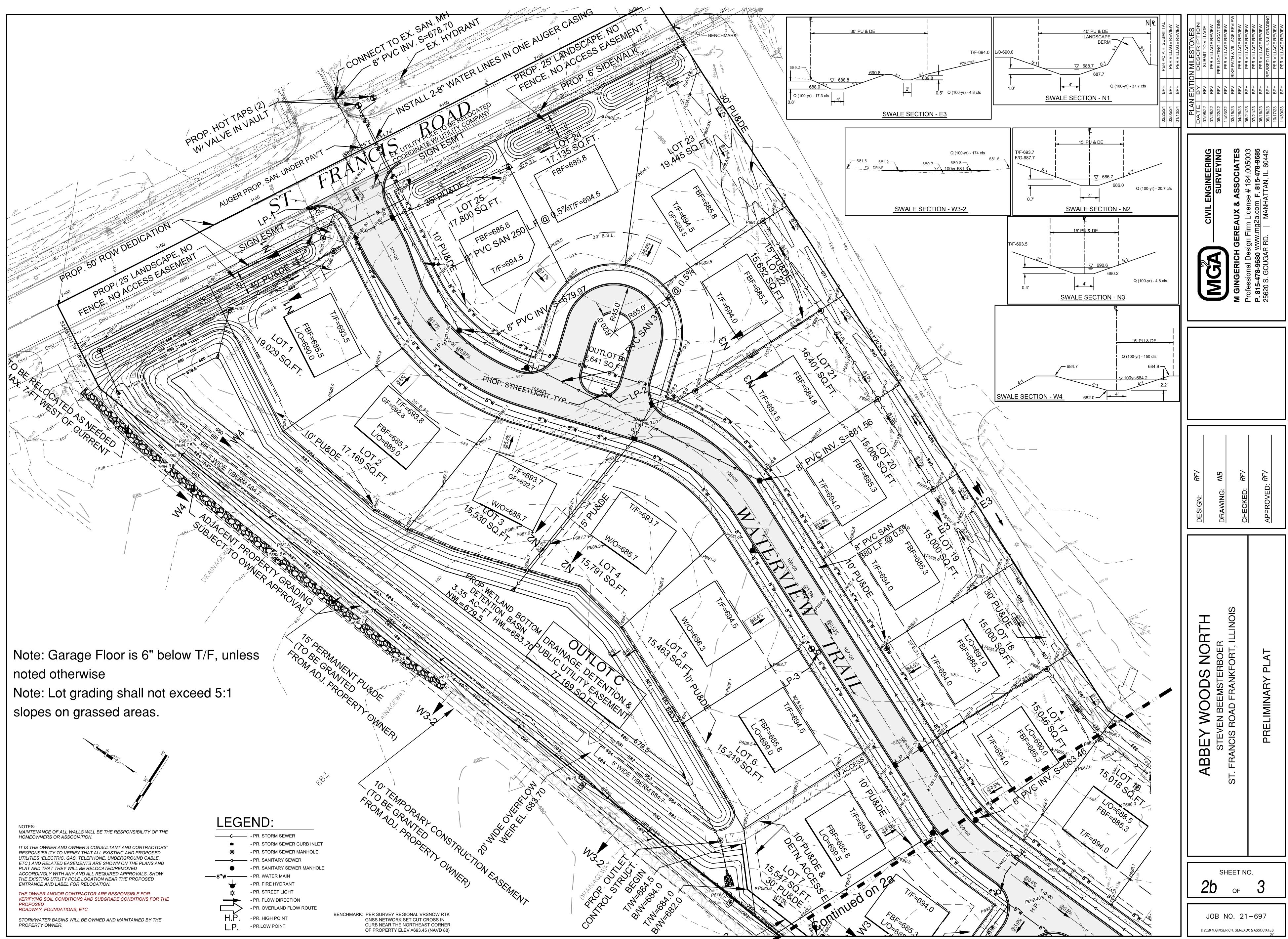
N77°01'34"W 42.26'

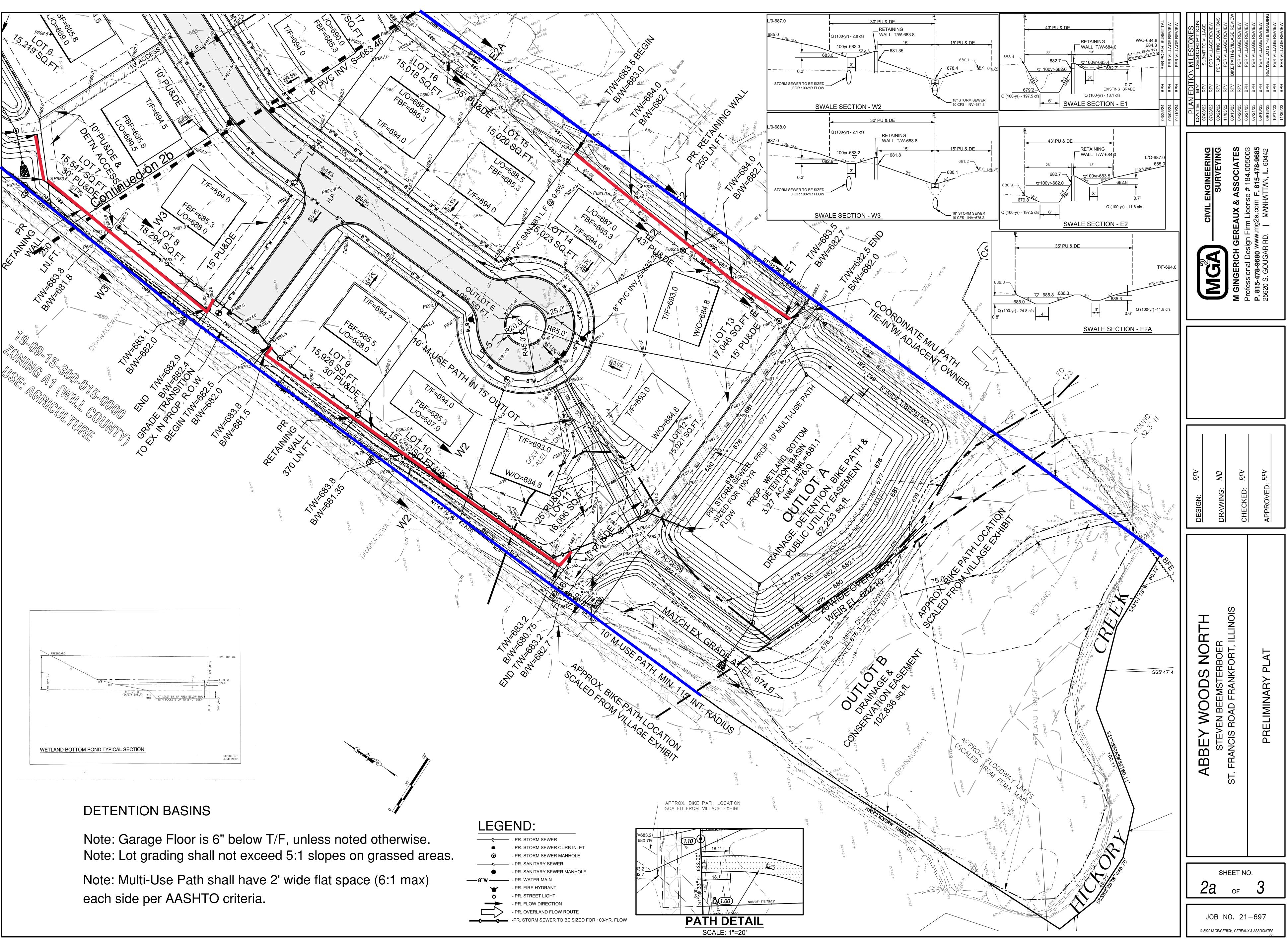
03/25/24	ВРН	PER PC P.H. SUBMITTAL
03/05/24	ВРН	PER VILLAGE REVIEW
01/10/24	ВРН	PER VILLAGE REVIEW

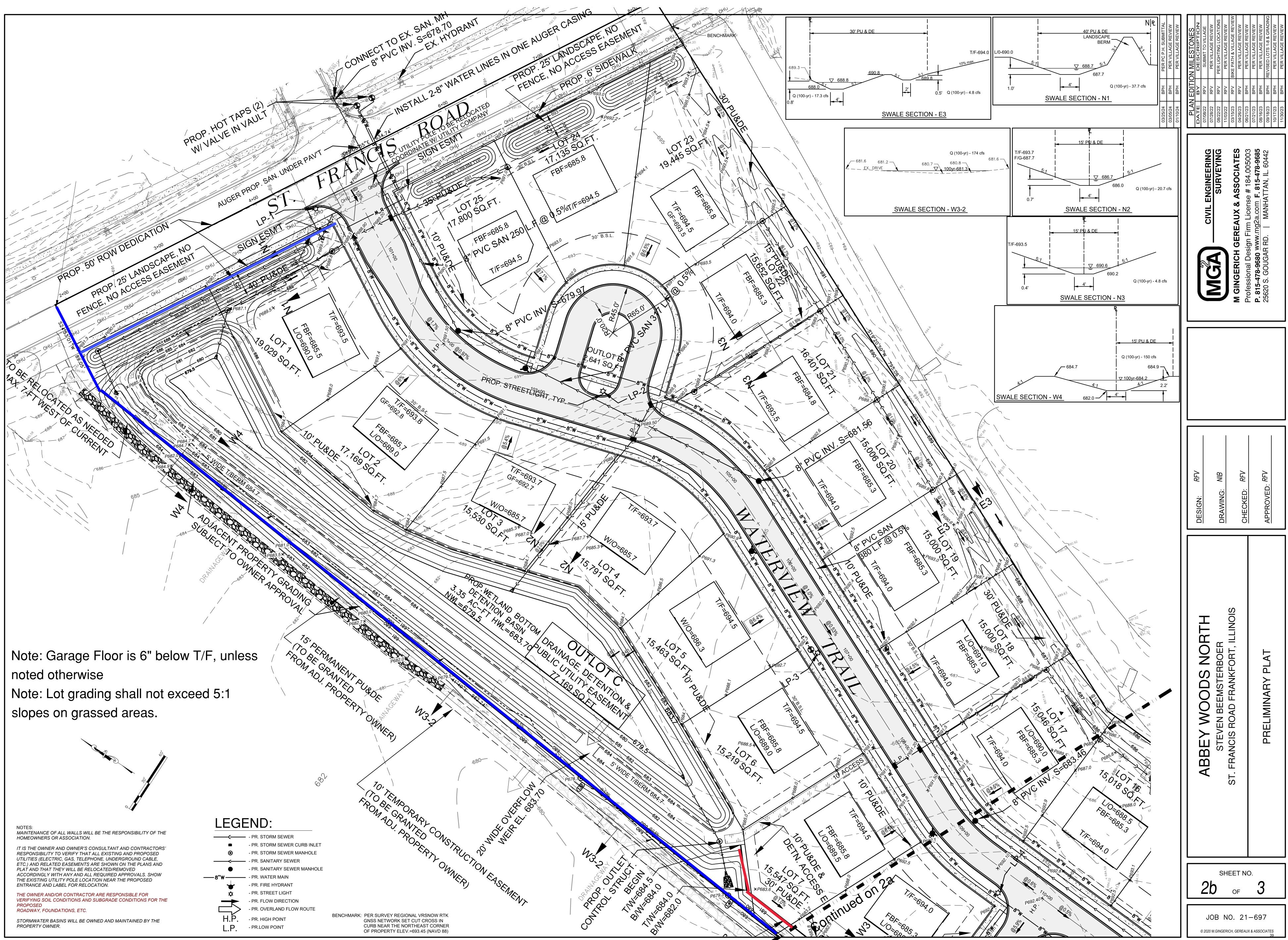
N EDITION BY I	07/28/22 RFV PER VILLAGE REVIEW 08/22/22 RFV PER LIGHTING LOCATIONS 11/03/22 RFV PER VILLAGE REVIEW	03/15/23 RFV BIKE PATH & VILLAGE REVIEW	04/26/23 RFV PER VILLAGE REVIEW	06/21/23 BPH PER VILLAGE REVIEW	07/21/23 BPH PER VILLAGE REVIEW	08/16/23 BPH PER VILLAGE REVIEW	09/18/23 BPH REVISED LOTS 1-8 & GRADING	10/17/23 BPH PER VILLAGE REVIEW	11/30/23 BPH PER VILLAGE REVIEW
CIVIL ENGINEERING	SURVEYING SURVEYING	M GINGEDICH GEDEAILY & ASSOCIATES		Professional Design Firm License # 184.005003			25620 S. GOUGAR RD.   MANHALLAN, IL. 60442		
DESIGN: RFV	DRAWING: <i>NIB</i>						APPROVED: KIFV		
ABBEY WOODS NORTH STEVEN BEEMSTERBOER 9433 ST FRANCIS ROAD FRANKFORT, ILLINOIS PRELIMINARY PLAT									
SHEET NO. <b>1</b> OF <b>3</b> JOB NO. 21-697									

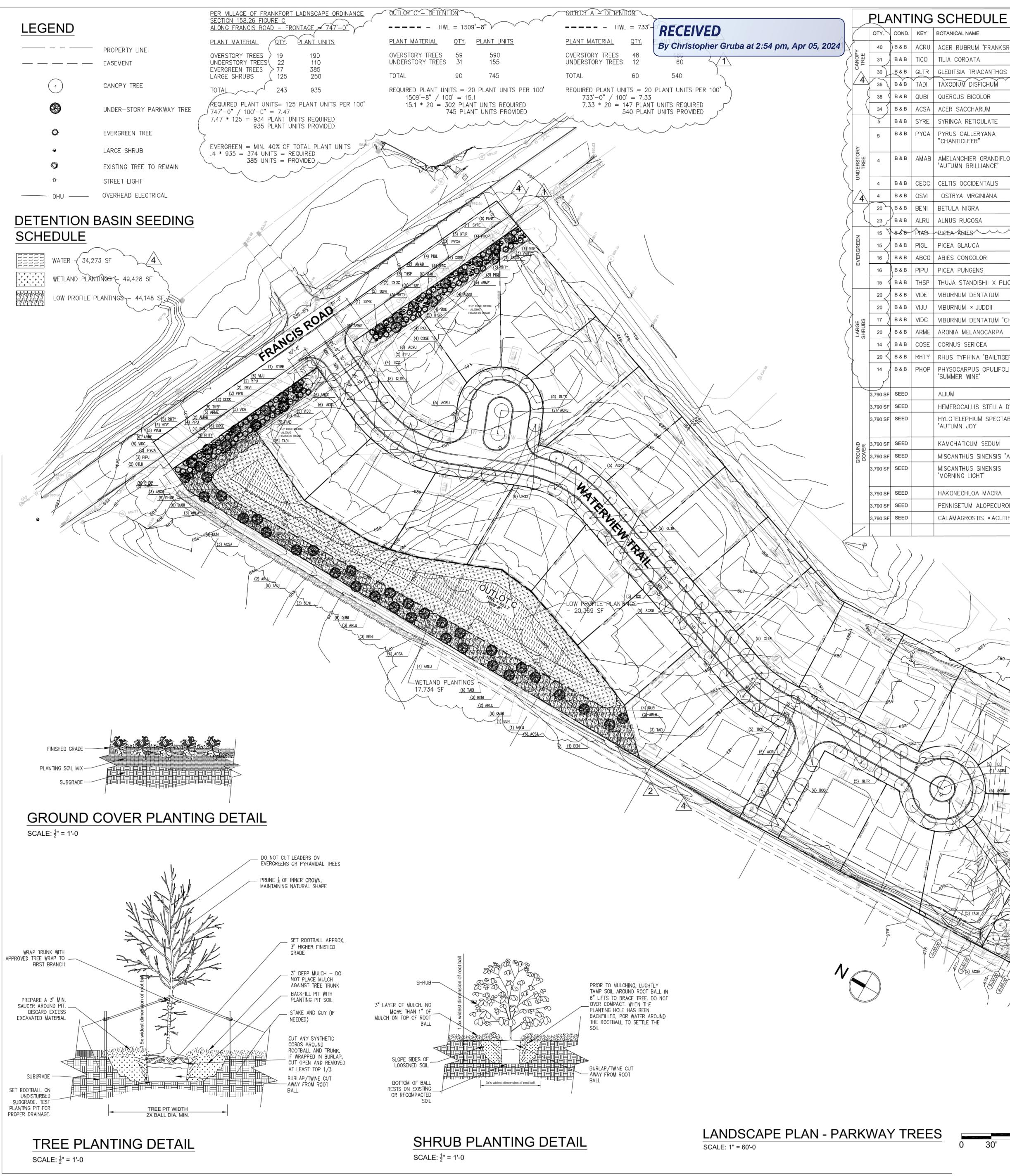
© 2020 M.GINGERICH, GEREAUX & ASSOCIATES











HEDULE			
AL NAME	COMMON NAME	CALIPER	COMMENTS
RUBRUM 'FRANKSRED'	RED SUNSET MAPLE	2.5″	
ORDATA	LITTLELEAF LINDEN	2,5"	
SIA TRIACANTHOS	HONEY LOCUST	2,5"	
UM DISFICHUM	BALD CYPRESS	3"	WETLAND BASIN
US BICOLOR	SWAMP WHITE OAK	3")	WETLAND BASIN
SACCHARUM	sugar Maple	3"	WETLAND BASIN
A RETICULATE	JAPANESE TREE LILAC	5	5' HEIGHT
CALLERYANA TICLEER"	CHANTICLEER PEAR	$\left\{ \right.$	5' HEIGHT
NCHIER GRANDIFLORA IN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	$\langle$	5' HEIGHT
OCCIDENTALIS	HACKBERRY	2" <	
YA VIRGINIANA	IRONWOOD	2" )	
NIGRA	RIVER BIRCH		8' CLUMP
RUGOSA	SPECKLED ADLER		8' CLUMP
ÅBIES	-NORWAY SPRUCE		6' HEIGHT
GLAUCA	WHITE SPRUCE		6' HEIGHT
CONCOLOR	CONCOLOR FIR		6' HEIGHT
PUNGENS	BABY BLUE EYES SPRUCE		5' HEIGHT
STANDISHII X PLICATA	GREEN GIANT ARBORVITAE		5' HEIGHT
IUM DENTATUM	CHICAGO LUSTRE VIBURNUM		5 GAL,, FRANCIS ROAD
IUM × JUDDII	JUDD MBURNUM		3 GAL., FRANCIS ROAD
IUM DENTATUM 'CHRISTOM	BLUE MUFFIN VIBURNUM		5 GAL,, FRANCIS ROAD
MELANOCARPA	BLACK CHOKEBERRY		5 GAL, FRANCIS ROAD
S SERICEA	REDTWIG DOGWOOD		5 GAL., FRANCIS ROAD
TYPHINA 'BAILTIGER'	TIGER EYE SUMAC		5 GAL., FRANCIS ROAD
CARPUS OPULIFOLIUS ER WINE'	SUMMER WINE NINEBARK		5 GAL., FRANCIS ROAD
	ALIUM		1 GAL, CUL-DE-SAC ISLAND
OCALLIS STELLA D'ORO	STELLA D'ORO DAYLILY		1 GAL., CUL-DE-SAC ISLAND
ELEPHIUM SPECTABILE IN JOY	AUTUMN JOY SEDUM		1 GAL,, CUL-DE-SAC ISLAND
ATICUM SEDUM	KAMCHATICUM SEDUM		4" POT, CUL-DE-SAC ISLAND
ITHUS SINENSIS 'ADAGIO'	ADAGIO GRASS		1 GAL, CUL-DE-SAC ISLAND
ITHUS SINENSIS NG LIGHT	MORNING LIGHT GRASS		1 GAL., CUL-DE-SAC ISLAND
echloa Macra	JAPANESE FOREST GRASS		1 GAL, CUL-DE-SAC ISLAND
ETUM ALOPECUROIDES	DWARF FOUNTAIN GRASS		1 GAL, CUL-DE-SAC ISLAND
AGROSTIS × ACUTIFLORA	KARL FOESTER FEATHER REED GRASS		1 GAL., CUL-DE-SAC ISLAND

### NOTES:

- 1. NO STREET TREE SHALL BE PLANTED CLOSER THAN THIRTY FEET (30) FROM THE RIGHT-OF-WAY LINE AT AN INTERSECTION OR CLOSER THAN EIGHT FEET (8) FROM ANY DRIVE OR ALLEY WAY.
- LANDSCAPE MATERIALS SHALL BE SELECTED AND LOCATED SO AS NOT TO OBSTRUCT VISUAL OR PHYSICAL ACCESS TO FIRE HYDRANTS. TREES AND SHRUBS SHALL NOT BE LOCATED CLOSER THAN SIX FEET (6') TO FIRE HYDRANTS, TRANSFORMERS OR ABOVE GROUND UTILITIES, AND FIFTEEN FEET (15') FROM ANY
- STREET LIGHT . 3. THE PARKWAYS SHALL BE PLANTED IN GRASS OR LOW GROUND COVER, EXCEPT WHEN COVERED BY PAVEMENT, TREES, OR SHRUBS

LOW PROFILE PLANTINGS

VETLAND PL/ANTINGS/

(6) TADI

(6) ACSA

 $\bigcirc$ 

63

O

ão0

0 00

. B

080

-CA

0

00

O & X & O

-00 0"

00 0,0

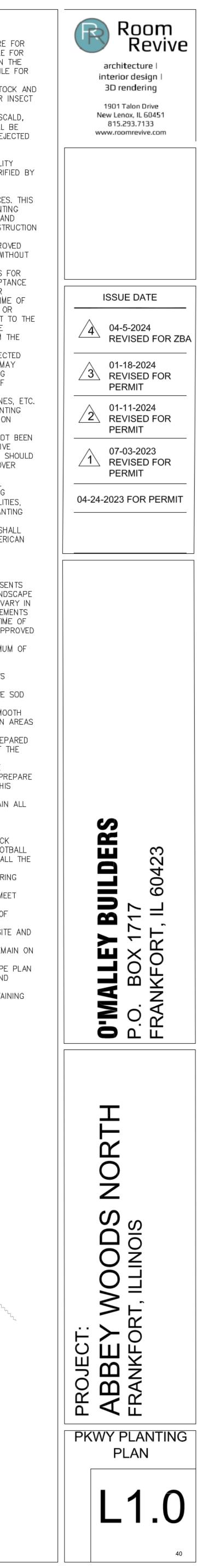
00

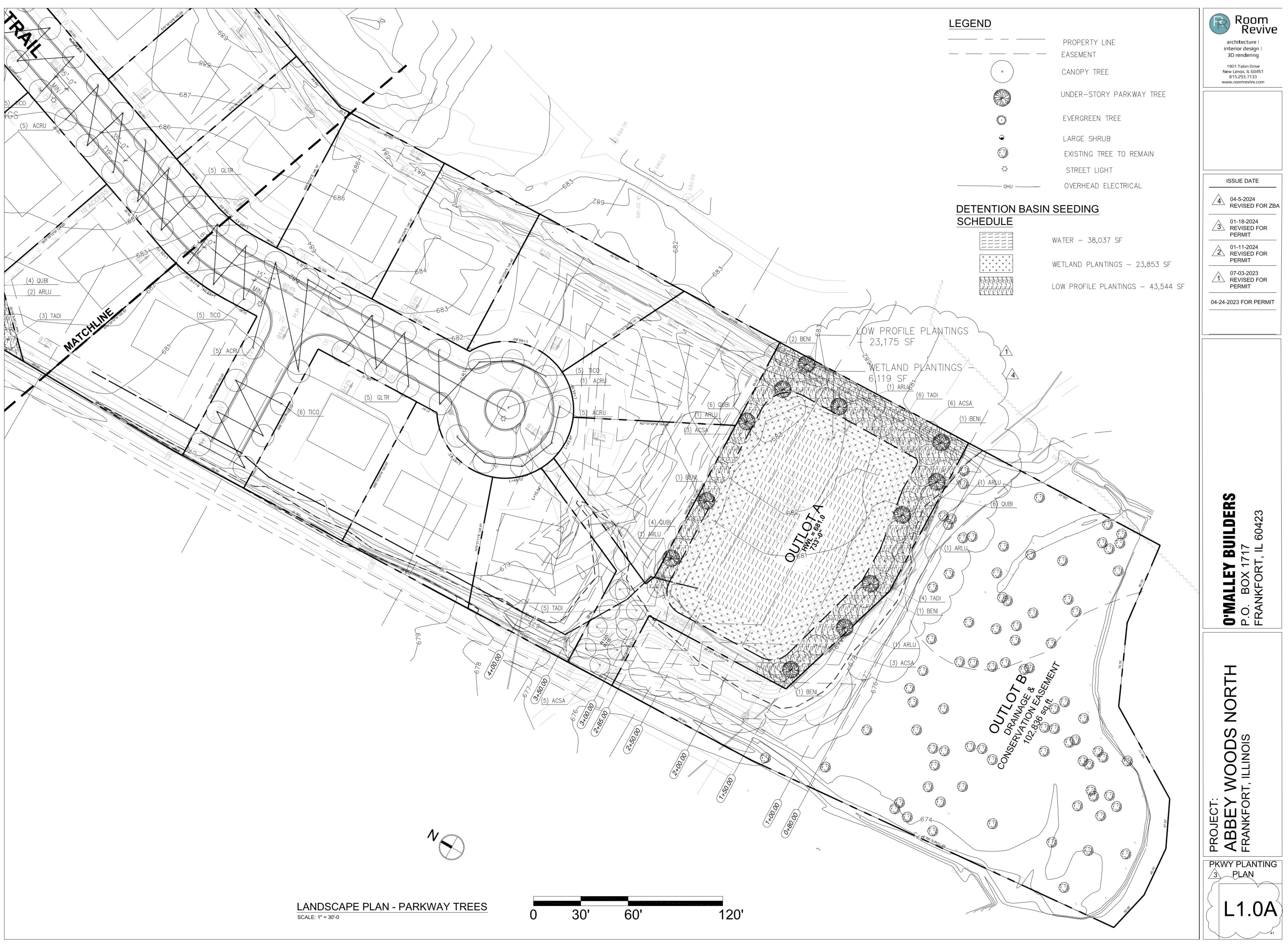
23,175 SF

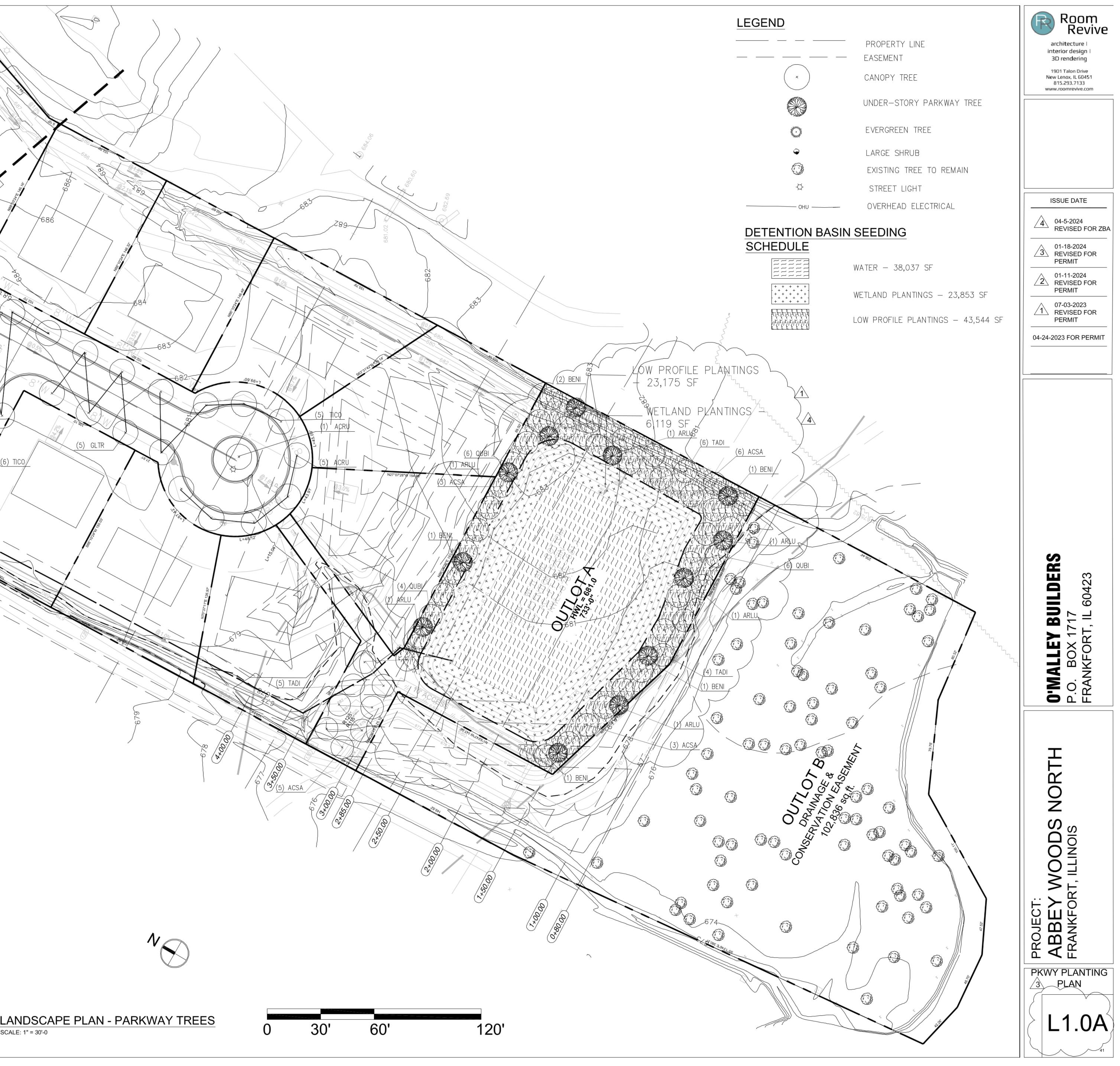
4. PLANTING ALONG FRANCIS ROAD TO BE SET ALONG 3'-O" BERM

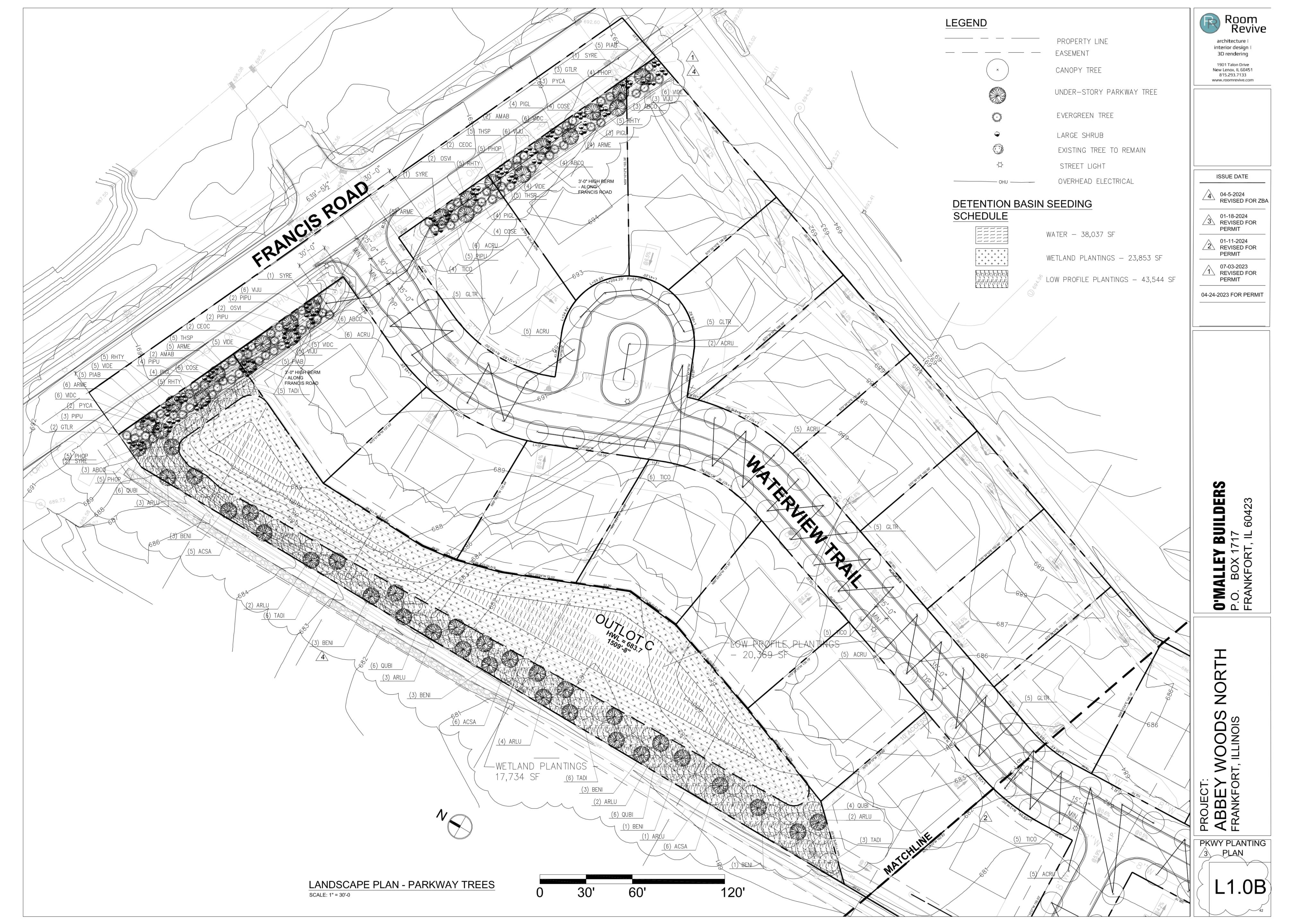
### **GENERAL NOTES:**

- 1. PLANT QUANTITIES SHOWN IN THE PLANT SCHEDULE ARE FOR CONVENIENCE ONLY, THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL MATERIALS SHOWN ON THE PLAN AND SHOULD NOT RELY ON THE PLANT SCHEDULE FOR DETERMINING QUANTITIES.
- 2. ALL PLANT MATERIALS SHOULD BE NURSERY GROWN STOCK AND SHALL BE FREE FROM ANY DEFORMITIES, DISEASES OR INSECT DAMAGE, ANY MATERIALS WITH DAMAGED OR CROOKED/DEFORMED LEADERS, BARK ABRASION, SUNSCALD, INSECT DAMAGE, ETC. ARE NOT ACCEPTABLE AND WILL BE REJECTED, TREES WITH MULTIPLE LEADERS WILL BE REJECTED UNLESS CALLED OUT IN THE PLANT SCHEDULE AS
- MULTI-STEM. 3. ALL LANDSCAPE IMPROVEMENTS SHALL MEET MUNICIPALITY REQUIREMENTS AND GUIDELINES, WHICH SHALL BE VERIFIED BY MUNICIPAL AUTHORITIES.
- 4. ALL PLANTING OPERATIONS SHALL BE COMPLETED IN ACCORDANCE WITH STANDARD HORTICULTURE PRACTICES, THIS MAY INCLUDE, BUT NOT BE LIMITED TO, PROPER PLANTING BED, WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE OF MATERIALS DURING CONSTRUCTION ACTIVITIES.
- 5. ALL PLANT MATERIALS SHALL BE INSPECTED AND APPROVED PRIOR TO INSTALLATION. ANY MATERIALS INSTALLED WITHOUT APPROVAL MAY BE REJECTED. 6, THE CONTRACTOR SHALL GUARANTEE PLANT MATERIALS FOR
- THE PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE BY OWNER. THE CONTRACTOR SHALL PROVIDE PROPER MAINTENANCE PROCEDURES TO THE OWNER AT THE TIME OF ACCEPTANCE, DURING THE GUARANTEE PERIOD, DEAD OR DISEASED MATERIAL SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE GUARANTEE PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
- ANY EXISTING TREES TO BE RETAINED SHALL BE PROTECTED FROM SOIL COMPACTION AND OTHER DAMAGES THAT MAY OCCUR DURING CONSTRUCTION ACTIVITIES BY ERECTING FENCING AROUND SUCH MATERIALS AT A DISTANCE OF 8.5' FROM THE TRUNK.
- 8. ALL GRASS, CLUMPS, OTHER VEGETATION, DEBRIS, STONES. ETC. SHALL BE RAKED OR OTHERWISE REMOVED FROM PLANTING AND LAWN AREAS PRIOR TO INITIATION OF INSTALLATION PROCEDURES.
- ANY AREAS TO BE LUMED AND SEEDED WHICH HAVE NOT BEEN DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 1"-2" OF LOAM OVER SCARIFIED EXISTING SOILS. CARE SHOULD BE GIVEN TO NOT PLACE GREATER THAN 1"OF SOIL OVER EXPOSED ROOTS OF EXISTING TREES IN SUCH AREAS,
- 10. HE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INITIATING PLANTING ACTIVITIES. CONTRACTOR SHALL REPAIR/REPLACE UTILITIES, PAVING, CURBS, ETC, WHICH IS DAMAGED DURING PLANTING ACTIVITIES
- 11. SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF ANSI Z60,1 AMERICAN STANDARDS FOR NURSERY STOCK, BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION
- 12. REFER TO PLAT OF SURVEY FOR LEGAL DESCRIPTION, BOUNDARY, DIMENSIONS AND EXISTING CONDITIONS
- 13. ALL PLANT MATERIALS ON THIS PLANTING PLAN REPRESENTS THE INTENTION AND INTENSITY OF THE PROPOSED LANDSCAPE MATERIAL, THE EXACT SPECIES AND LOCATIONS MAY VARY IN THE FIELD DO TO MODIFICATIONS IN THE SITE IMPROVEMENTS AND THE AVAILABILITY OF PLANT MATERIAL AT THE TIME OF INSTALLATION. ANY SUCH CHANGES MUST FIRST BE APPROVED BY THE VILLAGE IN WRITING,
- 14, ALL PLANT MATERIAL SHALL BE PLANTED WITH A MINIMUM OF SIX INCHES OF ORGANIC SOIL AND MULCHED WITH A SHREDDED BARK MATERIAL TO A MINIMUM 3"DEPTH.
- 15. ALL BEDS SHALL BE EDGED, HAVE WEED PREEMERGENTS APPLIED AT THE RECOMMENDED RATE, 16. ALL PARKWAYS AND PARKING LOT ISLANDS SHALL HAVE SOD
- AS GROUND COVER, U.N.O. 17. ALL LAWN AREAS ON THIS PLAN SHALL BE GRADED SMOOTH AND TOPPED WITH AT LEAST 4" OF TOPSOIL. ALL LAWN AREAS
- TO BE ESTABLISHED USING SOD U,N,O, 18. THIS LANDSCAPE PLAN ASSUMES THE SITE WILL BE PREPARED WITH TOP SOIL SUITABLE FOR THE ESTABLISHMENT OF THE LANDSCAPE MATERIAL PRESENTED ON THIS PLAN, IFF ADDITIONAL TOP SOIL IS REQUIREDS. IT IS UP TO THE LANDSCAPE CONTRACTOR TO PROVIDE, SPREAD AND PREPARE THE SITE AS NEEDED FOR THE IMPLEMENTATION OF THIS LANDSCAPE PLAN
- 19. CONTRACTORS MUST VERIFY ALL QUANTITIES AND OBTAIN ALL PROPER PERMITS AND LICENSES FROM THE PROPER AUTHORITIES
- 20, ALL MATERIAL MUST MEET INDUSTRY STANDARDS 21. ALL PLANTINGS SHALL BE SPACED EQUAL DISTANT, BACK FILLED WITH AMENDED SOIL IN A HOLE TWICE THE ROOTBALL
- DIAMETER, WATERED, FERTILIZED, PRUNED AND HAVE ALL THE TAGS AND ROPES REMOVED 22. TREES SHALL BE STAKED AND GUYED AND HAVE WATERING
- SAUCER AT BASE 23. ALL BEDS TO BE BERMED 12"-24" ABOVE GRADE AND MEET
- DRAINAGE REQUIREMENTS
- 24. LAWN AND BED AREAS SHALL BE ROTOTILLED, RAKED OF CLUMPS AND DEBRIS
- 25. REMOVE ALL DEAD, DISEASED PLANT MATERIAL FROM SITE AND DISPOSE PROPERLY
- 26, PRUNE AND FERTILIZE ALL EXISTING VEGETATION TO REMAIN ON SITE
- 27. ANY PROPOSED CHANGES TO THE APPROVED LANDSCAPE PLAN SHALL BE SUBMITTED TO THE VILLAGE FOR REVIEW AND
- APPROVAL
- 28. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING SHOWN ON THE APPROVED PLANS THROUGHOUT THE LIFE OF THE DEVELOPMENT









### ABBY WOOD S PHASE II MONITORING AND MANAGEMENT PLAN:

SECTION 1.0 NEAR TERM MONITORING AND REPORTING

1.1 RESPONSIBLE PARTIES THE OWNER WILL BE RESPONSIBLE FOR FUNDING AND IMPLEMENTING A THREE YEAR "NEAR TERM" MANAGEMENT AND MAINTENANCE PLAN FOR ESTABLISHING A NATURALIZED LANDSCAPE ASSOCIATED WITH THE PROPOSED ABBY WOODS PHASE II PROJECT STORM WATER FACILITY, THE OWNER MAY ELECT TO CONTRACT MANAGEMENT AND MAINTENANCE SERVICES TO A THIRD PARTY TO ENSURE PROPER IMPLEMENTATION.

1.2 MONITORING METHODOLOGY AREAS OF NATURALIZED RE-VEGETATION WILL BE MONITORED FOLLOWING METHODLOGIES AS OUTLINED HEREIN, MEANDER SURVEY MONITORING WILL BE PERFORMED ON AN ANNUAL BASIS FOR THREE YEARS AFTER PLANTING IS SUBSTANTIALLY COMPLETE, OR UNTIL THE LANDSCAPE IS ACCEPTED BY THE VILLAGE. ANNUAL VEGETATION MONITORING WILL OCCUR IN AUGUST. SEPTEMBER, OR EARLY OCTOBER, MEANDER SURVEY METHODOLOGY WILL INVOLVE TAKING 5-10 REPRESENTATIVE SITE PHOTOGRAPHS AND PERFORMING A REVIEW OF AT LEAST 20 PERCENT OF EACH VEGETATIVE COMMUNITY TO IDENTIFY THE FOLLOWING

A.) THE LIMBS OF ALL VEGETATION AREAS BY GENERAL COMMUNITY TYPE AND DOMINANT SPECIES WITHIN EACH PLANTING ZONE B,) ALL PLANT SPECIES IN EACH PLANTING ZONE

C,) THE APPROXIMATE PERCENT GROUND COVER BY NATIVE SPECIES WITHIN EACH PLANTING ZONE

D.) THE PERCENT GROUND COVER BY NON-NATIVE OR INVASIVE SPECIES IN EACH PLANTING ZONE

.) EROSION AND SEDIMENTATION PROBLEMS WATER LEVEL OR DRAINAGE PROBLEMS

AREAS OF BARE SOIL LARGER THAN ONE SQUARE METER

H.) OBSERVATIONS ON SPECIFIC MANAGEMENT STRATEGIES NECESSARY TO ACHIEVE ACCEPTANCE REQUIREMENTS

1.3 REPORTING REQUIREMENTS THE OWNER WILL PROVIDE THE VILLAGE WITH NOTIFICATION 24-HOURS PRIOR TO THE START OF PLANTING INSTALLATION, FOLLOWING SUBSTANTIAL COMPLETION. THE OWNER WILL DOCUMENT THAT NATURAL AREA LANDSCAPE RE-VEGETATION HAS BEEN COMPLETED. NURSERY PACKING LISTS INDICATING THE SPECIES AND QUANTITIES OF MATERIALS INSTALLED WILL ACCOMPANY THIS NOTICE.

IN ADDITION, THE OWNER (OR DESIGNATED REPRESENTATIVE) WILL SUBMIT AN ANNUAL MONITORING REPORT TO THE VILLAGE OF FRANKFORT BY FEBRUARY 28TH OF THE FOLLOWING YEAR EVALUATING THE PROGRESS OF THE NATURALIZED LANDSCAPE TOWARD DESIGN GDALS. THE REPORT WILL CONTAIN LOCATION MAP, A SUMMARY OF ANNUAL MONITORING OBSERVATIONS, A DESCRIPTION OF MANAGEMENT PERFORMED DURING THE YEAR, A TABULAR SUMMARY OF ANNUAL PROGRESS RELATIVE TO ACCEPTANCE STANDARDS, AND A LIST OF RECOMMENDATIONS FOR MANAGEMENT DURING THE UPCOMING YEAR.

1.4 ACCEPTANCE REQUIREMENTS

SATISFACTORY LANDSCAPE DEVELOPMENT ASSOCIATED WITH NATURALIZED VEGETATION IN THE STORMWATER FACILITY WILL BE BASED ON THE FOLLOWING ITEMS. THE ATTAINMENT OF THESE ITEMS IS EXPECTED TO RESULT IN ACCEPTANCE OF LANDSCAPE IMPROVEMENT BY THE VILLAGE OF FRANKFORT WITHIN 3 MONTHS OF SEED INSTALLATION (OR 3 MONTHS AFTER THE START OF THE GROWING SEASON FOLLOWING DORMANT SEEDING) AT LEAST 90% OF THE SEEDED AREA AS MEASURED BY AERIAL

COVER. WILL BE VEGETATED OR OTHERWISE STABILIZED AGAINST EROSION. NATURALIZED LANDSCAPE SHALL HAVE MORE THAN ONE SQUARE METER DEVOID OF VEGETATION, AS MEASURED BY AERIAL COVERAGE

SEEDED AREAS SHALL HAVE NO RILLS OR GULLIES GREATER THAN 4 INCHES WIDE BY 4 INCHES DEEP, AND BASIN SHORELINE SHALL NOT HAVE MORE THAN 6 INCHES CUT AS A RESULT OF EROSION AREAS SEEDED AS TURF GRASS OR LOW-MAINTENANCE TURF SHALL HAVE 95% GROUND COVER EMERGENT AREAS SHALL HAVE A MINIMUM OF 35% GROUND COVER (AVG. 50%) AND OTHER WETLAND AND PRAIRIE AREAS SHALL HAVE A MINIMUM OF 35% GROUND COVER (AVG. 60%) BY SPECIES IN THE APPROVED PLANT LIST AND/OR NATIVE SPECIES WITH NATIVE COEFFICIENT OF CONSERVATIONS (C-) VALUES 2 (PER SWINK AND WILHELM 1994 OR MORE CURRENT VERSION) NATURALIZED LANDSCAPES SHALL HAVE A MINIMUM OF 30% PRESENCE BY SPECIES SEEDED OR PLANTED FOR THE PERMANENT MATRIX C-VALUES 2 (PER SWINK AND WILHELM 1994 OR MORE CURRENT VERSION)

INSTALLED WOODY MATERIALS SHALL BE ALIVE, IN HEALTHY CONDITION, AND REPRESENTATIVE OF THE SPECIES NO MORE THAN 25% OF ANY SPECIFIC PLANT COMMUNITY SHALL BE INDIVIDUALLY OR COLLECTIVELY DOMINATED BY NON-NATIVE OR WEEDY SPECIES NONE OF THE THREE MOST DOMINANT SPECIES MAY BE NON-NATIVE WEEDY. INCLUDING BUT NOT LIMITED TO CANADA THISTLE. COMMON REED. REED CANARYGRASS. SWEETCLOVER, KENTUCKY BLUEGRASS PURPLE LOOSESTRIFE, BARNYARD GRASS, OR SANDBAR WILLOW UNLESS INDICATED ON TEH APPROVED PLANTING PLAN CATTAILS SO NOT COUNT TOWARDS THE 25% WEED CRITERION PROVIDED THEY REPRESENT NO MORE THAN 20% COVER

ALTHOUGH NOT ACCEPTANCE REQUIRE, TNS, THE FOLLOWING MILESTONES WILL BE ASSESSED FOR YEAR 2 NATURAL LANDSCAPE DEVELOPMENT TO HELP DETERMINE THE NEED FOR AND LEVEL OF MANAGEMENT APPROPRIATE TO ACHIEVE YEAR 3 LANDSCAPE ACCEPTANCE: MIN, GROUND COVER OF 25% BY SPECIES IN THE APPROVED PLANT LIST AND/OR NATIVE WITH C-VALUE 2

MIN, PRESENCE OF 20% BY SPECIES SEEDED OR PLANTED FOR THE PERMANENT MATRIX AND/OR NATIVE SPECIES WITH C-VALUE 2

SECTION 2.0 NEAR TERM MANAGEMENT FOR NATURALIZED LANDSCAPES NEAR-TERM (IE 3-YEAR) MANAGEMENT FOR NATURALIZED LANDSCAPES ASSOCIATED WITH ABBY WOODS PHASE II WILL INVOLVE MONITORING AND MANAGEMENT TO PROMOTE GERMINATION AND ESTABLISHMENT OF DESIRED PLANTS. THE FOLLOWING IS A NEAR TERM MAINTENANCE PLAN FOR NATURALIZED LANDSCAPES ASSOCIATED WITH THE DEVELOPMENT

2.1 NEAR-TERM MANAGEMENT TASKS

FOR SEVERAL YEARS AFTER INSTALLATION, NATURALIZED LANDSCAPES WILL BE ON MANAGED ON A REGULAR BASIS TO ENSURE SUCCESSFUL ESTABLISHMENT. SITE CHARACTERISTICS INFLUENCE HOW MANAGEMENT AND MAINTENANCE TECHNIQUES ARE IMPLEMENTED. VEGETATION MANAGEMENT ACTIONS MAY DIFFER FROM THE TASKS AND FREQUENCIES INDICATED BELOW BASED ON SPECIFIC RECOMMENDATIONS FROM VILLAGE-APPROVED NATIVE LANDSCAPE SPECIALIST

2.1.1 UNDESIRABLE PLANT CONTROL

THE OWNER ACKNOWLEDGES THAT IT IS BEST TO PERFORM CORRECTIVE ACTIONS FOR VEGETATION MANAGEMENT EARLY IN THE RE-VEGETATION EFFORT, AGGRESSIVE AND/OR NON-NATIVE SPECIES WILL BE MANAGED SUCH THAT THEIR PRESENCE AND DENSITY DOES NOT THREATEN THE ATTAINMENT OF ACCEPTANCE REQUIREMENTS

DEPENDING ON THE TYPE OF PLANT TARGETED, CONTROL OF UNDESIRABLE PLANT SPECIES MAY INVOLVE REMOVING ALL ABOVE-GROUND AND BELOW-GROUND STEMS, ROOTS, AND FLOWER MOSSES PRIOR TO DEVELOPMENT OF SEEDS. WEEDING WILL AVOID DAMAGING THE NATIVE PLANTINGS AND BE TIMED TO PREVENT DEVELOPMENT OF WEE SEEDS. THE ABILITY TO DIFFERENTIATE BETWEEN WEEDS AND NATIVE SEEDLINGS IS IMPORTANT. PLANTS MAY BE LEFT UNTREATED UNTIL THEY CAN BE POSITIVELY IDENTIFIED.

VARIOUS MEANS OF WEED CONTROL WILL BE EMPLOYED AS APPROPRIATE, AND MAY INCLUDE MECHANICAL CONTROL, CHEMICAL CONTROL AND/OR BIOLOGICAL CONTROL MECHANICAL CONTROL; MECHANICAL CONTROL OF NUISANCE PLANT TYPICALLY INCLUDES CUTTING, MOWING, AND/OR THE DIGGING UP INDIVIDUAL PLANTS BY HAND, IN MAY CASES, CUTTING OR MOWING A PLANT BEFORE ITS SEEDS MATURE WILL MINIMIZE FURTHER SPREAD, CUTTING OR MOWING CLOSE TO THE GROUND SURFACE WITH A WEED EATER OR HAND SCYTHE CAN BE AN EFFECTIVE MEANS OF CONTROL FOR SPECIES SUCH AS SWEET CLOVER, VARIOUS THISTLES AND RAGWEED. FOR GENERAL MOWING OF SWATHS OF VEGETATION, MOWERS WILL BE SET TO A HEIGHT OF 12+ INCHES ABOVE THE GROUND OR TO A HEIGHT THAT TREATS WEEDY SPECIES YET MINIMIZES IMPACTS ON DESIRABLE PLANTS. CHEMICAL CONTROL: WHEN EMPLOYED IN CONJUNCTION WITH PRESCRIBED BURNING AND MECHANICAL CONTROL, THE JUDICIOUS USE OR HERBICIDES CAN BE AN IMPORTANT COMPONENT OF MANAGEMENT PROGRAMS FOR CONTROLLING WEEDS. SOME WEEDS ARE CONTROLLED MORE EFFECTIVELY BY CHEMICAL TREATMENT THAN BY MOST MECHANICAL MEASURES FOR AGGRESSIVE WEEDS, AN HERBICIDE WILL BE APPLIED. THE USE OF PREVENTATIVE HERBICIDES WILL BE LIMITED TO PROBLEM AREAS WICK APPLICATION WILL BE PREFERRED OVER SPRAY APPLICATION

SPRAY APPLICATIONS, IF NECESSARY, SHALL NOT BE USED ON GUSTY DAYS BIOLOGICAL CONTROL: AN ALTERNATIVE TO CHEMICAL TREATMENT, USE OF BIOLOGICAL CONTROLS PURPLE LOOSESTRIFE WILL BE CONSIDERED PROVIDED SITE CONDITIONS ARE APPROPRIATE TO SUPPORT AND MAINTAIN THE INSECT POPULATION.

2.1.2 WILDLIFE MANAGEMENT

IT IS GENERALLY ACCEPTED THAT THE LONG-TERM USE OF EVEN THE MOST BENIGN PESTICIDES HAS EFFECTS ON WILDLIFE THAT ARE STILL RARELY RESEARCHED. THEREFORE, PESTICIDES WILL NOT BE USED BOARDLY OR ROUTINELY AT THE MITIGATION SITE,

2.1.4 FERTILIZER APPLICATION

A CONSERVATIVE APPROACH TO FERTILIZERS WILL BE TAKEN, TURF MANAGEMENT CHEMICALS WILL NOT BE USED WITHIN AREAS OF NATURALZIED PLANTINGS 2.1.5 DEBRIS MANAGEMENT

DEBRIS WILL BE REMOVED FROM THE DEVELOPMENT AREA EVERY OTHER MONTH BETWEEN MARCH AND NOVEMBER. DEBRIS WILL BE DISPOSED OF AT AN APPROPRIATE OFF-SITE TRASH RECEPTACLE OR HAULED TO AN APPROVED DUMP SITE.

2.2 SCHEDULE OF NEAR-TERM MANAGEMENT ACTIVITIES

2.2.1 TYPICAL 1ST YEAR MANAGEMENT ACTIONS TO PREVENT WEED SEED DEVELOPMENT, MOWING TO A HEIGHT OF 6 INCHES WILL BE PERFORMED WHEN VEGETATION REACHES A HEIGHT OF 12 INCHES WEEDING PRACTICE WILL AVOID DAMAGING NATIVE PLANTINGS

DEBRIS AND LITTER WILL BE DISPENSED AT AN APPROPRIATE OFF SITE TRASH RECEPTACLE

2.2.2 TYPICAL 2ND YEAR ACTIONS THE SEEDED AREAS WILL BE MOWED TO THE GROUND AS CLOSE AS POSSIBLE IN EARLY SPRING AND CUTTINGS RAKED OR BAGGED.

WEED MANAGEMENT WILL EMPHASIZE BIENNIAL AND PERENNIAL WEEDS. PROPER WEED CONTROL MAY REQUIRE MULTIPLE TREATMENTS OTHER MANAGEMENT PRACTICES WILL INCLUDE LITTER REMOVAL, ACCESS RESTRICTION ENFORCEMENT, AND EROSION CONTROL, INSECT/PEST CONTROL, RESEDING/REPLANTING, WILDLIFE MANAGEMENT AS

DETERMINED ON A QUARTERLY BASIS.

2.2.3 TYPICAL 3RD YEAR MANAGEMENT ACTIONS TYPICAL MANAGEMENT IN THE 3RD GROWING SEASON INVOLVE THE USE OF PRESCRIBED FIRE IN COMBINATION WITH MECHANICAL AND CHEMICAL METHODS FOR CONTROLLING BIENNIAL AND PERENNIAL WEEDS A PERMIT WILL BE OBTAINED FROM THE ENVIRONMENTAL PROTECTION AGENCY PRIOR TO CONDUCTING A PRESCRIBED BURN. A BURN WILL OCCUR MID OCTOBER - APRIL AS WEATHER AND SITE CONDITIONS PERMIT. NOTICE MUST BE OBTAINED FROM THE VILLAGE AND LOCAL AUTHORITIES PRIOR TO A BURN MANAGEMENT OF WEEDS, DEBRIS AND LITTER REMOVAL, ACCESS RESTRICTION ENFORCEMENT, EROSION CONTROL AND REPAIRS. INSECT/PEST CONTROL, RESEDING/REPLANTING, WILDLIFE MANAGEMENT

SECTION 3.0 LONG TERM MANAGEMENT FOR NATURALIZED LANDSCAPES

TRADITIONAL TURFGRASS MAINTENANCE PRACTICES ARE NOT APPROPRIATE FOR NATURALIZED LANDSCAPES. PROPER MANAGEMENT IS ESSENTIAL AND WILL BE PERFORMED BY PARTIES EXPERIENCED IN NATIVE LANDSCAPE MAINTENANCE

3.1 CONTACT INFORMATION

DYNAMIC M.D. OR AN AUTHORIZED REPRESENTATIVE WILL BE RESPONSIBLE FOR THE TIMELY EXECUTION OF ALL LONG-TERM MAINTENANCE ACTIVITIES WITHIN THE NATURALIZED LANDSCAPE, THE FOLLOWING PARTY SHOULD BE CONTACTED REGARDING MANAGEMENT ACTIVITIES

NAMES, ADDRESSES, CONTACTS AND TELEPHONE NUMBERS OF THE PROPERTY OWNER(S).

NAMES, ADDRESSES, CONTACTS AND TELEPHONE NUMBERS OF THE PARTY RESPONSIBLE FOR OPERATIONS AND MAINTENANCE

3.2 PROHIBITIVE ACTIVITIES

THIS SECTIONS OUTLINES VARIOUS ACTIVITIES RESTRICTED OR PROHIBITED WITHIN AREAS OF LANDSCAPING EXCEPT AS NEEDED TO ACHIEVE AND MAINTAIN A NATURALIZED LANDSCAPE DUMPING OF YARD WASTE OR DEBRIS

REPLACEMENT OF APPROVED VEGETATION WITH NON-APPROVED MATERIALS

CONSTRUCTION OR PLACEMENT OF STRUCTURES APPLICATION OF PESTICIDES FERTILIZER OR HERBICIDES

MOWING OTHER THAN FOR MEETING SPECIFIC MANAGEMENT GOALS COMMERCIAL, INDUSTRIAL, AGRICULTURAL, RESIDENTIAL DEVELOPMENTS, BUILDINGS OR STRUCTURES INCLUDING BIT NOT LIMITED TO SIGNS, BILLBOARDS, OTHER ADVERTISING MATERIAL OR OTHER STRUCTURES REMOVAL OR DESTRUCTION OF TREA OR PLANTS, MOWING, DRAINING, PLOWING MINING, REMOVAL OF TOPSOIL, SAND, ROCK, GRAVEL, MINERALS OR OTHER MATERIAL OPERATION OF SNOWMOBILES, DUNE BUGGIES, MOTORCYCLES, ALL TERRAIN VEHICLES OR ANY OTHER TYPES OF MOTORIZED VEHICLES,

VILLAGE APPROVAL WILL BE OBTAINED FOR ANY AMENDMENTS THAT ALTER THE SITE BEYOND THE APPROVED DESIGN CONDITION. THE LAND USE RESTRICTIONS MAY BE CHANGES, MODIFIED OR REVOKED ONLY UPON WRITTEN APPROVAL OF OF THE VILLAGE

3,3 LONG-TERM MANAGEMENT TASKS

LONG-TERM MAINTENANCE OF NATURALIZED LANDSCAPES INVOLVE SIGNIFICANTLY LESS EFFORT AND COST THAN FOR LANDSCAPES VEGETATED WITH TRADITIONAL TURFGRASS. ROUTINE MAINTENANCE ACTIVITIES FOR NATURALIZED LANDSCAPES INCLUDE DEBRIS MANAGEMENT INSPECTIONS, VEGETATION MAINTENANCE, AND PEST SPECIES MANAGEMENT. NON-ROUTINE MAINTENANCE AND MANAGEMENT ACTIONS ARE PERFORMED AS SITE SPECIFIC CONDITIONS WARRANT AND INCLUDE SEDIMENT/POLLUTANT REMOVAL, STRUCTURE, REPLACEMENT AND REPLANTING. TABLE 2 PRESENTS A GENERAL SCHEDULE FOR TYPICAL ACTIVITIES WITH LONG-TERM MANAGEMENT OF NATURALIZED LANDSCAPES 3,3.1 DEBRIS AND LITTER MANAGEMENT

3.3.2 STRUCTURAL MANAGEMENT

WATER CONTROL STRUCTURES WILL BE INSPECTED QUARTERLY WITHIN 24 HOURS OF EACH MAJOR RAINSTORM. INSPECTIONS WILL CONFIRM THAT THE RESTRICTOR IS NOT CLOGGED AS WELL AS INCLUDE AN EVALUATION ON THE STABILITY OF THE OUTLET, EMBANKMENTS AND INLETS. OBSERVATIONS WILL BE MADE IN THE PRESENCE AND EXTENT OF EROSION, LACK OF VEGETATION, OR OTHER PROBLEMS SUCH AS SOIL CRACKING, THE OUTLET/INLET STRUCTURE DEGRADATION, SINKHOLES, OR WET AREAS ON SLOPES CAPTURE SEDIMENT AND POLLUTANTS EVENTUALLY RESULT IN A DECREASE IN POOL VOLUME NAD/OR WATER QUALITY, THE NEED FOR SEDIMENT REMOVAL IS EXPECTED WHEN THE POOL VOLUME IS REDUCED BY 15-20 PERCENT,

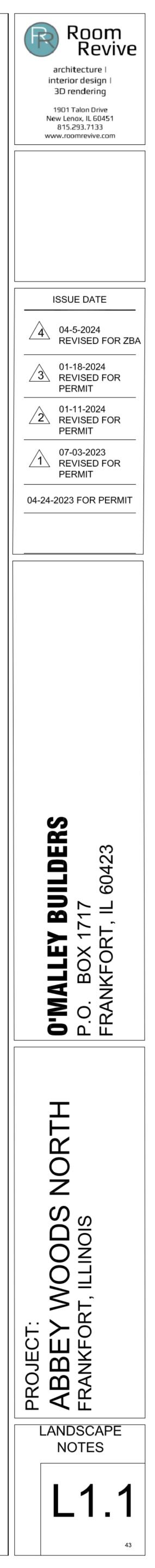
3.3.3 VEGETATION MANAGEMENT LONG-TERM MANAGEMENT ACTIONS EMPHASIZE REGULAR PRESCRIBED BURNING, ACCOMPANIED HERBICIDE, MOEING, COMBINATION OF THESE PRACTICES. PRESCRIBED BURNING: ESTABLISHED NATURALIZED LANDSCAPES WILL BE BURNED EVERY 2-3 YEARS. LARGER AREAS TO BE DIVIDED AND ONLY A PORTION BURNED EACH YEAR. BURNING IS TO BE CONDUCTED BY A QUALIFIED BURN CONTRACTOR PERMISSION IS NEED BY LOCAL AUTHORITY TO PERFORM A BURN MECHANICAL CONTROL - MOWING OR DIGGING UP OF PLANTS THE TIMING AND HEIGHT OF MOW DEPENDS ON SPECIES - TYPICALLY 12-18 INCHES HIGH HARD PULLING OR DIGGING CAN PROVIDED CONTROL IF THERE ARE FEWER THAN 100 PLANTS HERBICIDE TREATMENT TO BE PERFORMED BY LICENSED PROFESSIONAL

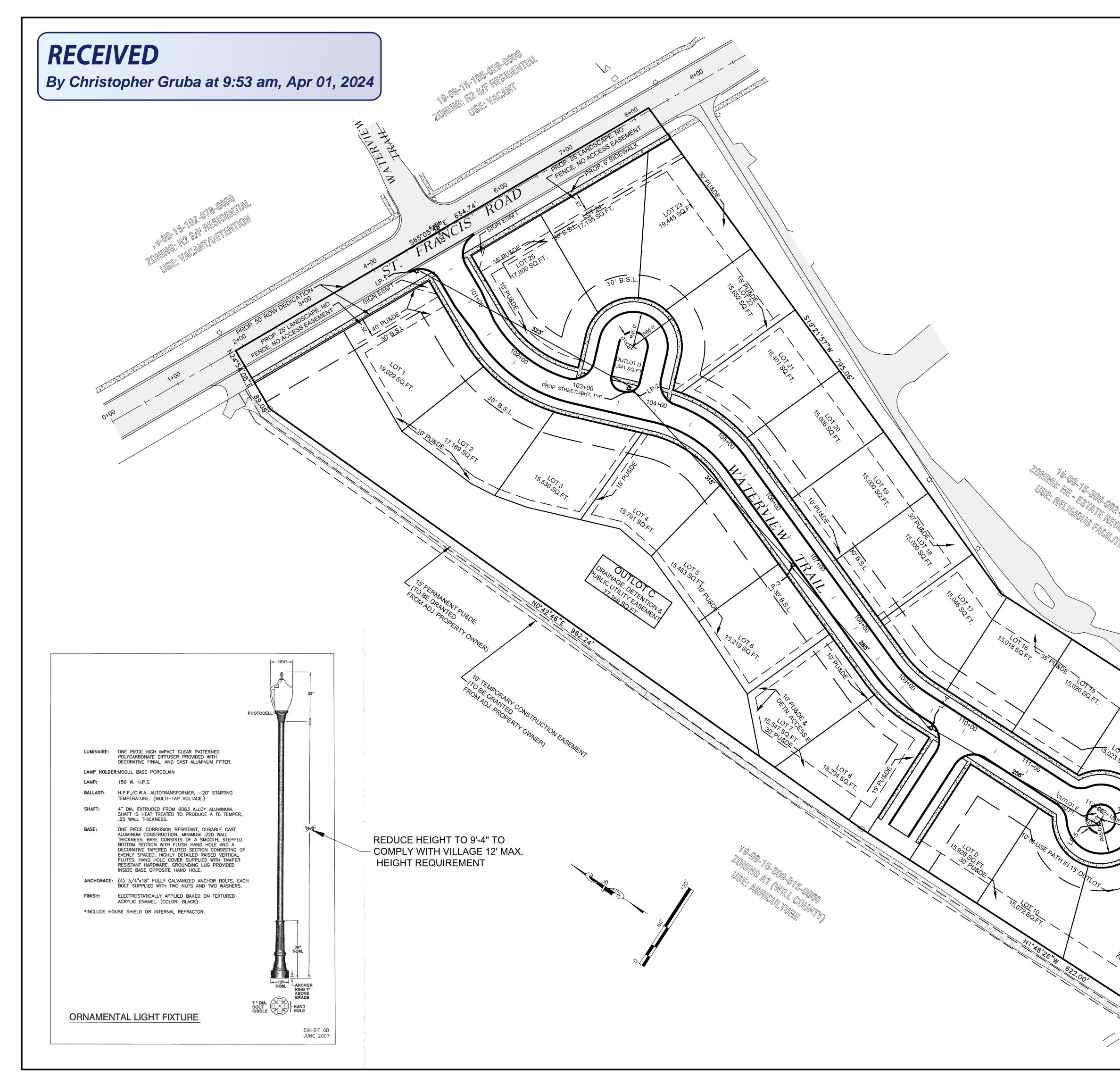
3.3.4 PESTICIDES AND FUNGICIDE USE PESTICIDES WILL NOT BE USED BROADLY OR ROUTINELY.

3.3.5 OTHER MANAGEMENT ACTIONS UPDATED ON THE PROJECT

DEBRIS AND LITTER WILL BE REMOVED EVERY OTHER MONTH BETWEEN MARCH 1 TO OCTOBER AND DISPOSED OF AT AN APPROPRIATE OFF-SITE TRASH RECEPTACLE

ON A PERIODIC BASIS FEES ARE COLLECTED TO COVER MAINTENANCE COSTS WILL BE REEVALUATED AND UPDATED WITH CONTRACTORS WILL BE RENEWED AND CONTACT INFORMATION WILL BE

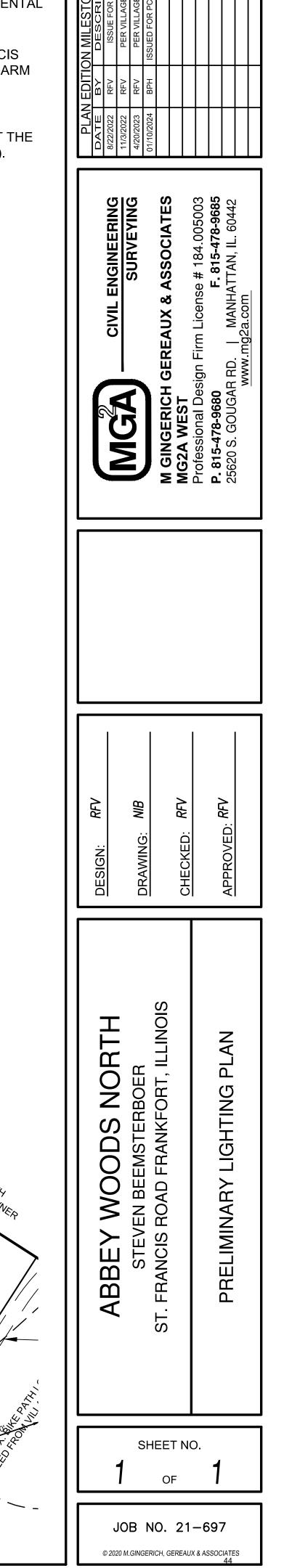




### **STREETLIGHTING NOTES:**

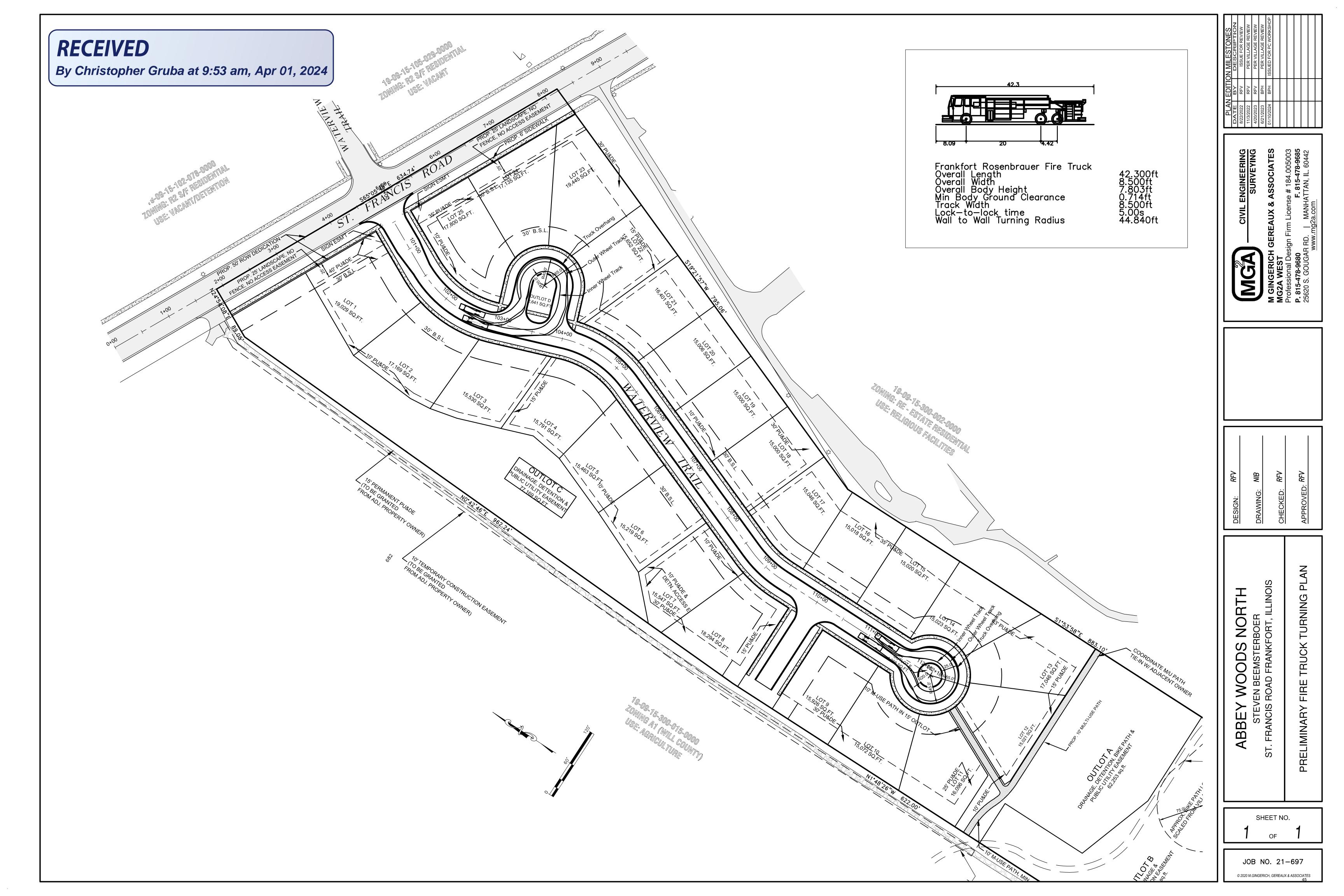
43, p,

- 1. THE EXISTING STREETLIGHT AT WATERVIEW TRAIL IS AN ORNAMENTAL LIGHT FIXTURE.
- 2. THE EXISTING STREETLIGHTS ON THE NORTH SIDE OF ST. FRANCIS ROAD NEAR THE EAST AND WEST LINES OF THE SITE ARE MAST ARM LIGHT FIXTURES.
- 3. THE LIGHT FIXTURES PROPOSED FOR THE SITE ARE VILLAGE OF FRANKFORT STANDARD ORNAMENTAL LIGHT FIXTURES, EXCEPT THE HEIGHT IS REDUCED TO 12' MAXIMUM (PER ZONING ORDINANCE).
- 4. NUMBER OF LIGHT FIXTURES PROPOSED IS FIVE (5)



Ø

X X X X



### Planning Commission / ZBA

Project:	CV, LLC
Meeting Type:	Public Hearing
Request:	Special Use Permit, automobile sales
Location:	9416 Gulfstream Road, Unit 2
Subdivision:	Airport Industrial Park
Applicant:	Nader Atieh
Prop. Owner:	Gulfstream Development Co.
<b>Representative:</b>	Nader Atieh
Staff Reviewer:	Christopher Gruba

 $\mathbf{F}$ 

### Site Details

Lot Size:	44,400 square feet (1.02 acres)
PIN:	19-09-34-301-006-0000
Existing Zoning:	I-1
Proposed Zoning:	I-1
Future Land Use:	Business Park

### **Adjacent Land Use Summary:**

	Land Use	Comp. Plan	Zoning
Subject Property	Limited Industrial	Business Park	I-1
North	General Industrial	Business Park	I-2
South	Limited Industrial	Business Park	I-1
East	Limited Industrial	Business Park	I-1
West	Limited Industrial	Business Park	I-1

### Figure 1. Location Map



### Project Summary -

The applicant is applying for a Special Use Permit to allow indoor car sales inside of Unit 2 of an existing building. There would be up to 6 cars stored inside the 2,400 square-foot tenant space at any one time. The applicant does <u>not</u> intend to perform repair, detailing and car washing of cars within the building. The proposal does not include any outdoor storage, display or sales of cars, nor does it include any changes to the exterior of the building or lot. Similar Special Use Permits for indoor car sales have been granted in buildings along Gulfstream Road, including 9227 Gulfstream, Unit H for Big City Motor Sales, and 9232 Gulfstream Road, Unit C for 86° Auto Group, LLC. Copies of these approved ordinances have been attached to this report.

VILLAGE OF

RANKFORT

### Attachments -

- 1. Aerial Photographs of the property at scales 1:1,500 and 1:3,000 (Village staff GIS)
- 2. Plat of Survey for Lot 6 in the Airport Industrial Park subdivision, containing Unit 2, dated 6.16.89
- 3. Site Photos taken April 17, 2024
- 4. A floor plan of the building, containing Unit 2
- 5. An email dated March 13 from the applicant, Nadar Atieh, clarifying the intended use of Unit 2.

### April 25, 2024

- 6. Special Use Findings of Fact prepared by applicant
- 7. Special Use Findings of Fact Commissioner Evaluation Form
- 8. Ord-3280 (Big City Motor Sales) and Ord-3406 (86° Auto Group)

### Analysis —

In consideration of the request, staff offers the following points of discussion:

### Use, Occupancy, and Space

The applicant's proposed business involves automobile sales. At this time, the applicant is the sole employee of the business who would be working within the tenant space. The applicant states that the business hours are 10:00 a.m. to 2:00 p.m., Monday through Friday.

### Parking

There appears to be a parking area between the building and the west property line, paved with asphalt. However, there are no apparent striped parking spaces, making a parking analysis difficult. There is a row of concrete parking blocks along the west property line, but it's unclear whether these are on the subject property or the property to the west. There are 20 parking blocks, which could potentially be 20 parking spaces if striped. However, upon a site inspection, most employees park adjacent to the west side of the building. The reason for this may be because of the large overhead doors along the west building elevation, and larger vehicles may need a wider turning movement to enter the doors and would thus have to swing through the parking block area to make the turn.

There is also a smaller asphalt parking area in the rear yard behind the building. This area is also not striped. The survey of the property notes a 20' wide drainage easement along the north property line. The rear parking area encroaches into this drainage easement. It's unknown whether past approval was granted to permit this, since drainage easements are typically, but not always, a permeable surface.

A Zoning Ordinance text amendment for parking requirements was approved by the Village Board on April 8, 2024. Car dealerships require 1 parking space for every 325 square feet of gross floor area. Tenant space #2 is 2,400 square feet, requiring 8 parking spaces.

The following table details the parking requirements for the proposed and existing tenants within the building:

Tenant (with square footage)	Parking Calculation	Spaces Required
UNIT 1 (4,800 SF)	1:500 GFA	10
Gulfstream Development Co.		
(Light Industry Parking Category)		
UNIT 2 (2,400 SF)	1:325 GFA	8
Proposed car sales		
(Car sales category)		
UNIT 3 (2,400 SF)	1:500 GFA	5
Rocky Garcia		
(Light Industry Parking Category)		
UNIT 4 (3,354 SF)	1:500 GFA	7
Fuller Ultraviolet Corporation		
(Light Industry Parking Category)		
Total Zoning Ordinance Required Parking		30
Total Available on Site		20 spaces?

### Adjustments to Required Parking

Article 7, Section B, Part 5 of the Village of Frankfort Zoning Ordinance describes the circumstances in which the Plan Commission may adjust the minimum number of required parking spaces in the business and industrial districts on a case-by-case basis.

- a. Purpose. The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid construction of unnecessary and excessive off-street parking facilities. Reducing the requirements for off-street parking facilities is intended to provide for more cost-efficient site development, to minimize impervious surface, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on business and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this Part 5.
- b. Adjustments. In all business and industrial districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:
  - 1. Evidence That Actual Parking Demands will be Less Than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Ordinance requires.
  - 2. Availability of Joint, Shared or Off-Site Parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that joint, shared or off-site parking spaces are available to satisfy the parking demand.
    - a) Agreements shall be provided which demonstrate evidence that either parking lots are large enough to accommodate multiple users (joint parking) or that parking spaces will be shared at specific times of the day (shared parking, where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.)
    - b) Off-site parking lots may account for not more than 50-percent of the required parking and shall be located not more than three-hundred (300) feet from the principal use that it is intended to serve.

When a reduction of parking spaces attributable to shared parking or off-site parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements, and other such documentation to show that shared parking can be accomplished. Off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

- 3. Use of Alternative Transportation. Upon demonstration to the Plan Commission that effective alternative transportation to the automobile will occur, the Plan Commission may reduce parking requirements. Alternative transportation may include, but is not limited to, bus transit, van pool operations, carpool/ride sharing, and bicycles. Proposals for adjustments of parking under this section shall show how the alternative transportation modes will be implemented, the permanency of such modes, extent of the program, the number of vehicles the mode will replace, and other pertinent information.
- c. Banked Parking Spaces. As a condition of a reduction in parking requirements, the Plan Commission may require banked parking spaces. In such cases, the site plan for the business or industrial use shall provide sufficient open space on the subject site to accommodate the additional parking space otherwise required by this Ordinance. Such open space shall be in addition to required yards, setbacks, driveways, private

streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would:

- 1. Provide off-street parking to meet the full requirements of this Ordinance at the time of application, and
- 2. Ensure that the site shall not exceed the maximum impervious lot coverage as set forth in Article 6.

Since parking appears to be adequate for this property, staff recommends granting a parking adjustment from the required 30 spaces to 20 spaces.

### Standards for Special Uses -

No special use shall be recommended by the Plan Commission, unless such Commission shall find:

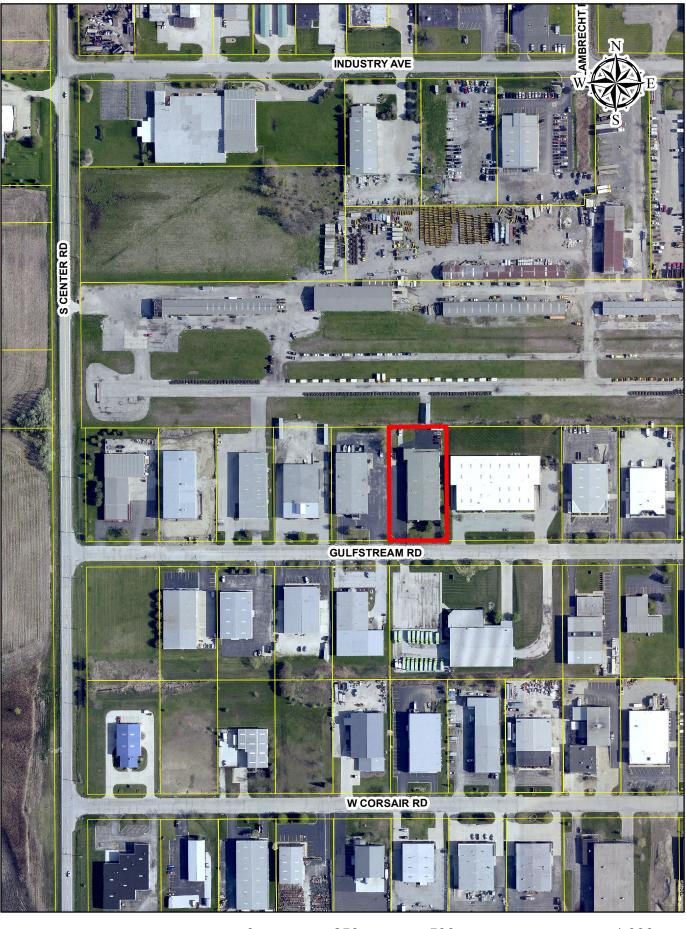
- a. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.
- b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- e. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- f. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- g. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.

### Affirmative Motion \_

For the Commission's consideration, staff provides the following potential affirmative motions:

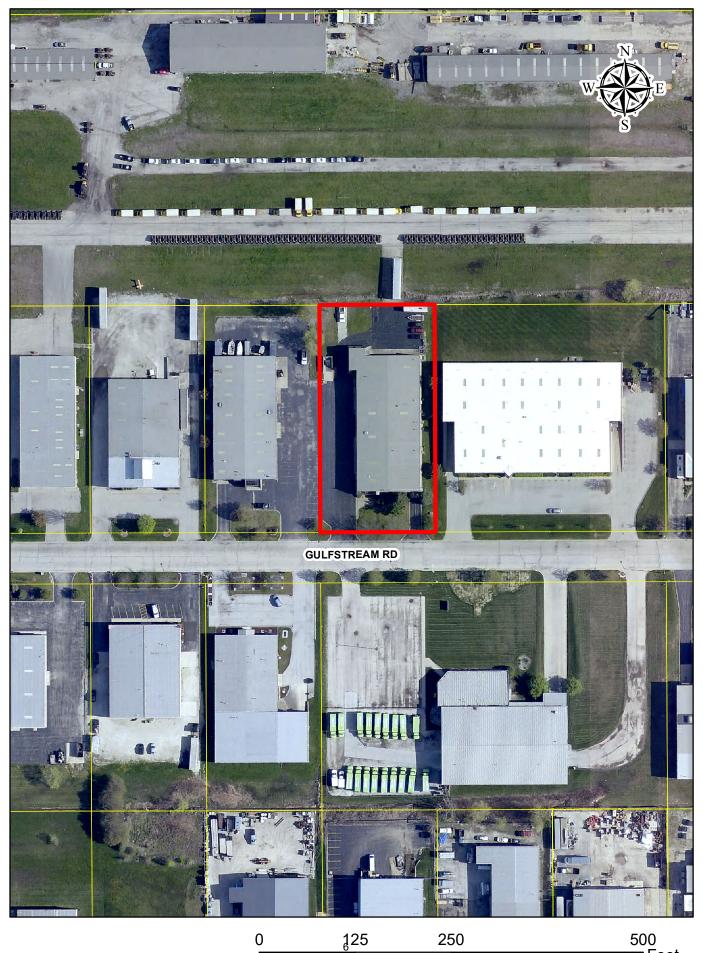
- 1. Grant a parking adjustment for the subject property, reducing the number of required parking spaces from 30 to 20, per Article 7, Section B, Part 5 of the Zoning Ordinance.
- Recommend that the Village Board approve the request for a Special Use Permit for automobile sales in the I-1 Limited Industrial District, for the property located at 9416 Gulfstream Road, Unit 2, Frankfort, Illinois (PIN: 19-09-34-301-006-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following condition(s):
- a) There shall be no sales inventory vehicles displayed or stored in the existing exterior striped parking spaces.
- b) A site plan shall be provided to staff noting new striping of parking stalls on the subject property. Each parking space shall measure at least 9'x18'. If only one row of parking is provided, the drive aisle shall be at least 20' wide. All striping shall comply with any Fire Code regulations.

### 9416 Gulfstream Road, Unit 2



0 <u>250</u> 500 1,000 Feet

### 9416 Gulfstream Road, Unit 2



500 Feet

### **OFFICE**

17204 THORNWOOD DR.

SOUTH HOLLAND, ILLINOIS 60473 SURVEYING

of URBAN AND RURAL PROPERTY

SUBDIVISIONS - TOPOGRAPHY

RIGHT-OF-WAY - MORTGAGE LAND TITLES - CONDOMINIUM Suburban Surveying Service Inc.

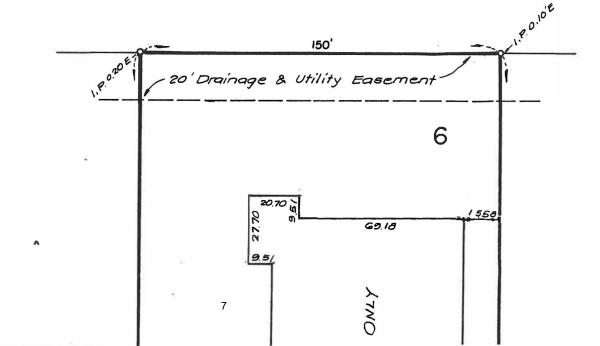
Plat of Survey

Bν

**REGISTERED ILLINOIŞ LAND SURVEYORS** 

### EGISTERED ILLINOIS LAND SURVETOR

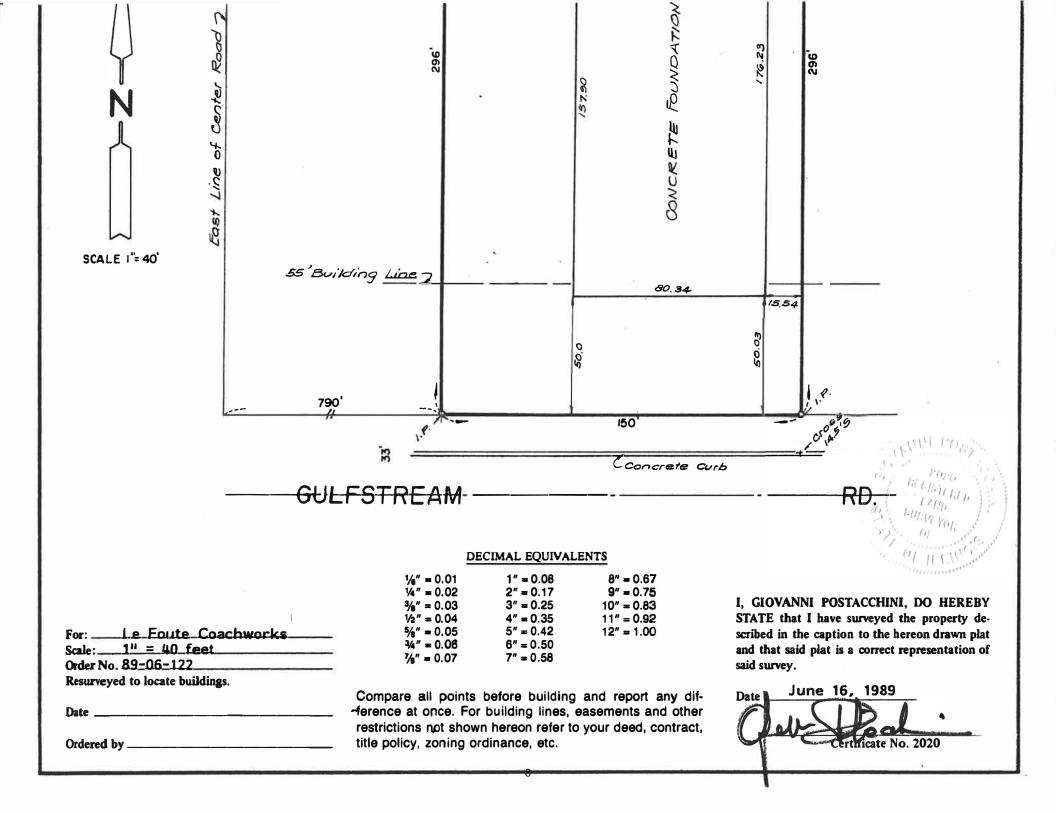
Lot 6 in Airport Industrial Park, (being a Subdivision of part of the North 80.00 Acres of the Southwest 1/4 of Section 34, Township 35 North, Range 12, East of the Third Principal Meridian, as per Plat thereof Recorded in the Office of the Recordr of Deeds of Will County, Illinois on August 9th, 1988, as Document Number R88-36799, all in Will County, Illinois.





PHONE

312/331-6262 339-8882





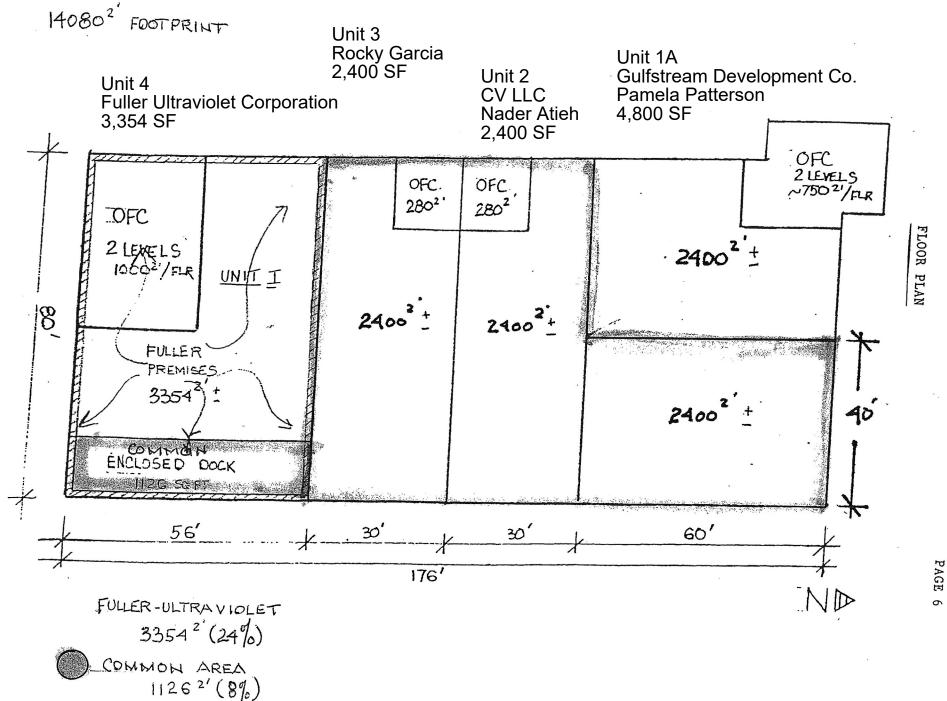








9416 GULFSTREAM RD



0/13

From:	Nader Atieh
То:	Chris Gruba
Subject:	Re: 9146 Gulfstream - proposed dealership
Date:	Wednesday, March 13, 2024 8:40:42 AM

CAUTION: This e-mail originated outside of the Village's email system. DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

Good morning Chris,

I am updating you on the warehouse we are considering. The total area of the warehouse is 2400 square feet, which includes 450 square feet of office space. It is located at 9416 Gulfstream Rd, Unit 2. We plan to use this space primarily as our central office to manage our day-to-day business operations.

Up to six vehicles may be parked inside the warehouse at any time. Most of our sales will be wholesale through Manheim Auction, with some internet sales. We will mainly purchase commercial pickups, cargo vans, and trucks. Please note that we won't do any on-site repair or mechanical work.

Let me know if you have any questions or concerns.

Nader Atieh 11558 Anise Dr Frankfort, IL 60423 7083590544

On Fri, Mar 1, 2024 at 11:28 AM Chris Gruba <<u>cgruba@frankfortil.org</u>> wrote:

Hi,

Pursuant to your phone call today, please email me a brief description of what you'd like to do at the above property. Please note which tenant space unit and the square footage of the space. Please specify whether it would be entirely internet sales of vehicles, where they'd be stored, how they would be sold, what kind of vehicles, any repair work, etc. The more info you can provide the better so we can determine the best path forward.

Thank you,

**Christopher Gruba** 

Senior Planner, Community Development

VILLAGE OF FRANKFORT 432 W. Nebraska St. | Frankfort, IL 60423 | Ph: (815) 469-2177 | Fx: (815) 469-7999



# Application for Plan Commission / Zoning Board of Appeals Review Special Use Permit Findings of Fact

Article 3, Section E, Part 6 of the Village of Frankfort Zoning Ordinance lists "findings" or "standards" that the Plan Commission must use to evaluate every special use permit request. The Plan Commission must make the following seven findings based upon the evidence provided. To assist the Plan Commission in their review of the special use permit request(s), please provide responses to the following "Findings of Fact." Please attach additional pages as necessary.

- 1. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.
- 2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 4. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

- 5. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- 6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.



# Findings of Fact Commissioner Evaluation Form - Special Use Permit

Article 3, Section E, Part 6 of the Village of Frankfort Zoning Ordinance lists "findings" or "standards" that the Plan Commission must use to evaluate every special use permit request. No special use shall be recommended by the Plan Commission unless all the following findings are made.

	STANDARD	NOTES	MEETS	
a.	That the establishment, maintenance or			
	operation of the special use will not be		YES	NO
	detrimental to, or endanger, the public health,			
	safety, morals, comfort or general welfare.			
b.	That the special use will not be injurious to the			
	use and enjoyment of other property in the		YES	NO
	immediate vicinity for the purposes already			
	permitted, nor substantially diminish and impair			
	property values within the neighborhood.			
с.	That the establishment of the special use will not			
	impede the normal and orderly development and			
	improvement of the surrounding property for		YES	NO
	uses permitted in the district.			
d.	That the exterior architectural appeal and			
	functional plan of any proposed structure will not			
	be so at variance with either the exterior			
	architectural appeal and functional plan of the			
	structures already constructed, or in the course of		YES	NO
	construction in the immediate neighborhood or			
	the character of the applicable district, as to			
	cause a substantial depreciation in the property			
	values within the neighborhood.			

e.	<ul> <li>That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.</li> </ul>	YES	NO
f.	That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.	YES	NO
g.	<ul> <li>That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.</li> </ul>	YES	NO

# ORDINANCE NO. 3280

# AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AUTOMOBILE SALES TO CERTAIN PROPERTY LOCATED WITHIN THE LIMITS OF THE VILLAGE OF FRANKFORT, WILL AND COOK COUNTIES, ILLINOIS (BIG CITY MOTOR SALES – 9227 GULFSTREAM ROAD, UNIT H)

WHEREAS, an application for a Special Use Permit for certain property within the Village of Frankfort, legally described below, was filed by Tom Willson, Applicant; and Michael J. Root, Property Owner, 324 Center Road, Frankfort, Illinois 60423; and

WHEREAS, the Subject Property, commonly known as 9227 Gulfstream Road, Unit H, in the Airport Industrial Park, is currently zoned I-1 Limited Industrial District; and

**WHEREAS**, the Applicant requests the granting of a Special Use Permit for automobile sales to permit the operation of Big City Motor Sales; and

WHEREAS, a timely Notice of Public Hearings before the Plan Commission/Zoning Board of Appeals of the Village of Frankfort was published in the *Daily Southtown* newspaper announcing a Public Hearing on the Owner's application for a Special Use Permit for the Subject Property; and

WHEREAS, at a time and place designated in such published notice, a Public Hearing was held before the Village of Frankfort Plan Commission/Zoning Board of Appeals on the Owner's application for a Special Use Permit for the Subject Property; and

**WHEREAS**, the Frankfort Plan Commission/Zoning Board of Appeals made special written Findings-of-Fact as required by the Village of Frankfort Zoning Ordinance 2001; and

**WHEREAS,** the Frankfort Plan Commission forwarded a unanimous (6-0) recommendation to the Board of Trustees of the Village of Frankfort that the Subject Property be granted a Special Use Permit for automobile sales to permit the operation of Big City Motor Sales.

# NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FRANKFORT, WILL & COOK COUNTIES, ILLINOIS, AS FOLLOWS:

## SECTION 1. SPECIAL USE PERMIT

That the following described real property to wit:

#### PIN: 19-09-34-327-006-0000

LOT 48, IN AIRPORT INDUSTRIAL PARK UNIT NO. 2, BEING A SUBDIVISION OF PART OF THE NORTH 80 ACRES OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1990 AS DOCUMENT NO. R90-65424, IN WILL COUNTY, ILLINOIS, commonly known as 9227 Gulfstream Road, Unit H, Frankfort, Will County, Illinois 60423, which is the property subject to the previously described application for a Special Use Permit, is hereby granted a Special Use Permit for automobile sales to permit the operation of Big City Motor Sales, in accordance with the reviewed plans and public testimony, with the condition that there are no vehicles stored outdoors, no storage of equipment outdoors, and restrict parking to employees and customers only.

# **SECTION 2. REPEALER**

That all other ordinances, or parts or provisions of ordinances of the Village of Frankfort which are inconsistent with this Ordinance, are hereby expressly repealed.

# SECTION 3. ZONING MAP AMENDMENT

That the Zoning Map of the Village of Frankfort is amended to reflect the Subject Property, currently zoned I-1 General Industrial District, hereby is granted a Special Use Permit for automobile sales, as provided under this Ordinance and the Village of Frankfort Zoning Ordinance 2001, as from time to time amended.

# **SECTION 4. SEVERABILITY**

In the event any word, phrase, clause, sentence, paragraph, provision, or section of this Ordinance or any portion thereof shall be held to be unconstitutional, unenforceable, or void, the same shall not affect the validity or enforceability of any remaining words, phrases, clauses, sentences, paragraphs, provisions, or sections thereof.

# **SECTION 5. EFFECTIVE DATE**

The Ordinance shall take effect after its passage, approval, and publication in pamphlet form, as regulated by law.

PASSED this 21<sup>st</sup> day of December, 2020; with six members voting AYE; no members voting NAY; and no members absent; the Village President not voting; with no members abstaining and said vote being:

ADAM BORRELLI	<u>AYE</u>
MARGARET M. FARINA	<u>AYE</u>
JESSICA PETROW	AYE

JOHN C. CLAVIO	<u>AYE</u>
KEITH OGLE	<u>AYE</u>
EUGENE SAXARIA	AYE
BRIAN FEEHERY	

VILLAGE CLERK

APPROVED this 21<sup>st</sup> day of December, 2020.

HM HOLLAND VILLAGE PRESIDENT

ATTEST BRIAN FEEHER

VILLAGE CLERK

# ORDINANCE NO. 3406

# AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AUTOMOBILE SALES FOR CERTAIN PROPERTY LOCATED WITHIN THE LIMITS OF THE VILLAGE OF THE FRANKFORT, WILL & COOK COUNTIES, ILLINOIS (86 DEGREES AUTO GROUP, LLC – 9232 GULFSTREAM ROAD, UNIT C)

WHEREAS, an application for a Special Use Permit for certain property within the Village of Frankfort, legally described below, was filed by Yaxin Yu, Applicant; and Deima Dream Properties, LLC, 14941 Wood Duck Lane, Homer Glen, Illinois 60491, Owner; and

**WHEREAS,** the Subject Property, commonly known as 9232 Gulfstream Road, Unit C, within the Airport Industrial Park, is currently zoned I-1 Limited Industrial District; and

**WHEREAS**, the Applicant requests the granting of a Special Use Permit for automobile sales to permit the operation of 86 Degrees Auto Group, LLC; and

WHEREAS, a timely Notice of Public Hearings before the Plan Commission/Zoning Board of Appeals of the Village of Frankfort was published in the *Daily Southtown* newspaper announcing a Public Hearing on the Owner's application for a Special Use Permit for the Subject Property; and

**WHEREAS**, at a time and place designated in such published notice, a Public Hearing was held before the Village of Frankfort Plan Commission/Zoning Board of Appeals on the Owner's application for a Special Use Permit for the Subject Property; and

WHEREAS, the Frankfort Plan Commission/Zoning Board of Appeals has made special written Findings-of-Fact as required by the Village of Frankfort Zoning Ordinance 2001; and

**WHEREAS**, said Plan Commission forwarded a unanimous (7-0) recommendation to the President and Board of Trustees of the Village of Frankfort that the Subject Property be granted a Special Use Permit for automobile sales.

# NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FRANKFORT, WILL & COOK COUNTIES, ILLINOIS AS FOLLOWS:

## SECTION 1. SPECIAL USE PERMIT

That the following described real property to wit:

PIN: 19-09-34-326-015-1003

UNIT C IN GULFSTREAM II CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: LOT 58, IN AIRPORT INDUSTRIAL PARK UNIT 2, BEING A SUBDIVISION OF PART OF THE NORTH 80 ACRES OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 35 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 27, 1990 AS DOCUMENT NO. R90-65424, IN WILL COUNTY, ILLINOIS; WHICH PLAT OF SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED SEPTEMBER 12, 2005 AS DOCUMENT NUMBER R2005-156041; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, the property subject to the previously described application for a Special Use Permit, is hereby granted said Special Use Permit for automobile sales to permit the operation of 86 Degrees Auto Group, LLC, in accordance with the reviewed plans, public testimony, and Findings of Fact, and conditioned upon there shall be no sales inventory vehicles displayed and/or stored in the existing exterior striped parking spaces and the applicant and/or property owner shall install mesh screening on the existing chain-link fence that encloses the outdoor storage area prior to occupancy of Unit C.

# SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

# SECTION 3. ZONING MAP AMENDMENT

That the Zoning Map of the Village of Frankfort is amended to reflect the Subject Property, currently zoned I-1 Limited Industrial District, hereby is granted a Special Use Permit for automobile sales, as provided under this Ordinance and the Village of Frankfort Zoning Ordinance, as amended from time to time.

# **SECTION 4. SEVERABILITY**

If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

## **SECTION 5. EFFECTIVE DATE**

The Ordinance shall take effect after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED this 20<sup>th</sup> day of June, 2023; with six members voting AYE; no members voting NAY; and no members absent; the Village President not voting; with no members abstaining and said vote being:

ADAM BORRELLI	AYE
JESSICA PETROW	AYE
DANIEL ROSSI	AYE

MICHAEL LEDDIN	<u>AYE</u>

MAURA A. RIGONI <u>AYE</u>

EUGENE SAVARIA <u>AYE</u>

KATIE SCHUBERT VILLAGE CLERK

APPROVED this 20<sup>th</sup> day of June, 2023.

ATTEST:

KEITH OGLE

KATIE SCHUBERT VILLAGE CLERK

#### Plan Commission / ZBA



April 25, 2024

Project:	EquipmentShare.com Inc.
Meeting Type:	Public Hearing
Request:	2 Special Use Permits (Special Use Permit for large equipment rental, sales, and service; and
	Special Use Permit for outdoor storage)
Location:	9194 Gulfstream Road
Subdivision:	Fey & Graefen Industrial Park Phase 1
Applicant:	EquipmentShare.com Inc.
Prop. Owner:	Tricon Properties, LLC
<b>Representative:</b>	Jeffrey Williams, EquipmentShare.com Inc.
Report by:	Michael J. Schwarz, AICP

#### Site Details

Lot Size:	1.01 acres
PIN:	19-09-34-401-001-0000
Existing Zoning:	I-1, Limited Industrial
Proposed Zoning: I-1 with Special Use Permits for a large equipment	
	rental, sales, and service, and outdoor storage
Buildings:	1 building, 1 lot
Total Sq. Ft.:	10,097 square feet (1 story with 20' ceiling)

#### Adjacent Land Use Summary:

	Land Use	Comp. Plan	Zoning
Subject Property	Industrial	Business Park	I-1
North	Undeveloped/Industrial	Business Park	Will County A-1
South	Industrial	Business Park	I-1
East	Industrial	Business Park	I-1
West	Industrial	Business Park	I-1



#### Project Summary -

The applicant, EquipmentShare.com Inc., proposes a tool and equipment rental business primarily serving business customers. Additionally, some light-duty service and equipment repair and maintenance will be offered to customers. The existing light industrial building consists of approximately 6,000 square feet of warehouse space with 4 roll-up doors located on the east elevation of the building, and approximately 4,000 square feet of office space. The applicant is seeking (1) a Special Use Permit for large equipment rental, sales, and service; and (2) a Special Use Permit for outdoor storage, in the I-1 Limited Industrial District. The outdoor storage area would be fully screened via a 6-foot, black vinyl-coated chain link fence with gray mesh screening and would not include any uncontained bulk materials. The proposed outdoor storage area would occupy a portion of the existing paved parking lot on the east side of the building. The attached site plan depicts the proposed outdoor storage area and fence location. According to the application materials, the purpose of the outdoor storage area is to store some small equipment that will be stored outside such as traffic cones, traffic barrels, etc. The applicant has provided a business narrative which provides an overview of the proposed business and outdoor storage area (see attached).

### Attachments

- 1. 2022 Aerial Photo from Will County GIS (1:1128 scale)
- 2. Site Photos taken on 4.16.24
- 3. Architectural Site Plan undated, received 4.5.24
- 4. Mesh Screening Image submitted by applicant, received 4.9.24
- 5. Business Narrative submitted by applicant, received 4.5.24
- 6. Special Use Findings of Fact prepared by applicant, received 4.5.24
- 7. Special Use Findings of Fact Commissioner Evaluation Form

#### Analysis -

In consideration of the request, staff offers the following points of discussion:

#### **Proposed Special Uses**

Article 6, Section C, Part 2(g)(1) of the Zoning Ordinance pertains to Density, Dimensional, and Other Standards for Non-Residential Districts. The proposed Special Use Permit for large equipment rental, sales, and service will comply with all of these requirements. The applicant's proposed business involves a tool and equipment rental business primarily serving business customers. Additionally, some light-duty service and equipment repair and maintenance would take place inside the building. Typical repairs would include small engine repair, hose and valve replacement for various equipment, and gasket repair for pumps, etc. Per the business narrative submitted by the applicant, the business at this location would be open Monday through Friday and typically would be closed on weekends and most major holidays. The business at this location would have approximately 8 employees.

Article 5, Section C, Part 5 of the Zoning Ordinance pertains to Boat, Camper, Equipment (Large), Manufactured Home, RV, Or Motorcycle Rental, Sales and Service, and states "Where items are stored outdoors, such items must be screened by a fence, wall, or solid landscape screen adequate to conceal such vehicles from adjacent properties and the public right-of-way. No items may be stored at a height greater than the screening."

As noted in the *Project Summary*, the applicant is requesting a Special Use Permit for outdoor storage. The proposed outdoor storage area would be fully screened via a 6-foot, black vinyl-coated chain link fence with gray mesh screening and would not include any uncontained bulk materials. The proposed outdoor storage area would occupy a portion of the existing paved parking lot on the east side of the building (occupying 15 existing parking spaces or approximately 2,400 square feet). It should be noted that the Zoning Ordinance allows a maximum fence height of 8 feet in industrial areas. In the *Affirmative Motions* section, staff is presenting potential conditions for consideration.

#### Parking

Per the Off-Street Parking Regulations in the Zoning Ordinance, the proposed tool and equipment rental business use is similar to the Wholesale Business use category, which requires 1 parking space per 1,000 square feet of gross floor area, or a minimum of 11 parking spaces for the 10,097 square-foot building. For comparison, the Light Industrial use category requires 1 parking space per 500 square feet of gross floor area, which, if applied for the proposed use, would equate to a minimum of 21 required parking spaces for the 10,097 square-foot building.

The existing parking areas include a total of 38 marked parking spaces. There are 15 parking spaces (including 2 handicap accessible spaces) located in front of the building, and another 23 parking spaces in a row along the east property line. The proposed outdoor storage area, which would be enclosed by a fence with a sliding gate, would occupy 15 of the 38 parking spaces, resulting in a net total of 23 parking spaces that would be available for employees and customers. Therefore, the proposed tool and equipment rental business with an outdoor storage area, would comply with the minimum amount of required parking under the Zoning Ordinance.

No special use shall be recommended by the Plan Commission, unless such Commission shall find:

- a. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.
- b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- e. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- f. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- g. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.

#### Findings for Consideration

The Plan Commission/Zoning Board of Appeals finds:

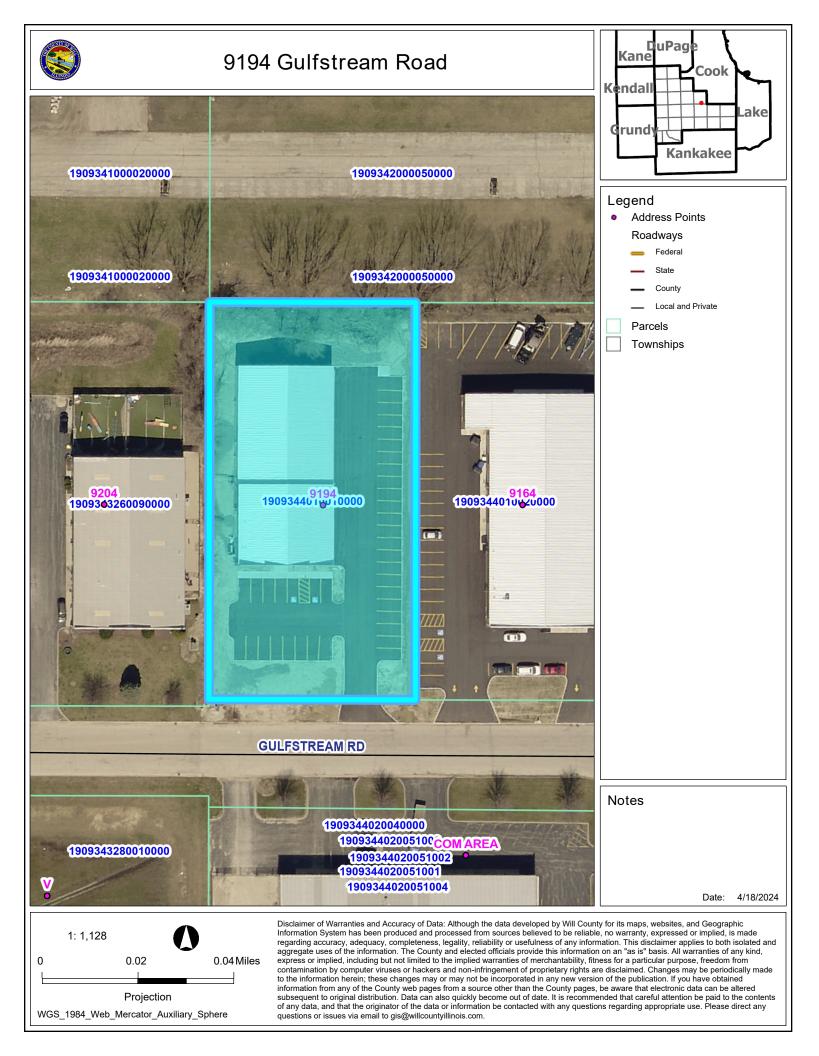
- 1. That the establishment, maintenance or operation of the special use(s) (for a large equipment rental, sales, and service and outdoor storage) will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.
- 2. That the special use(s) (for a large equipment rental, sales, and service and outdoor storage) will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3. That the establishment of the special use(s) (for a large equipment rental, sales, and service and outdoor storage) will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 4. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- 5. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

- 6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 7. That the special use(s) (for a large equipment rental, sales, and service and outdoor storage) shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.

### Affirmative Motions —

For the Commission's consideration, staff provides the following potential affirmative motions:

- Recommend that the Village Board approve the request for a Special Use Permit for a large equipment rental, sales, and service business in the I-1 Limited Industrial District, for the property located at 9194 Gulfstream Road (PIN: 19-09-34-401-001-0000), in accordance with the submitted plans, public testimony, and Findings of Fact.
- Recommend that the Village Board approve the request for a Special Use Permit for Outdoor Storage, in the I-1 Limited Industrial District, for the property located at 9194 Gulfstream Road (PIN: 19-09-34-401-001-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following condition(s):
  - 1. Outdoor storage only shall be permitted within the area designated on the submitted Site Plan; and
  - 2. Materials stored on site may not exceed the fence height and/or shall be completely screened from the public right-of-way and adjacent properties; and
  - 3. Semi-trailers, shipping containers or other similar storage containers are prohibited for storage; and
  - 4. The outdoor storage area shall be maintained in neat and orderly condition and vehicular access to the roll-up doors and trash enclosure shall be maintained at all times.



# <u>Site Photos – 9194 Gulfstream Road</u>



Figure 1: 9194 Gulfstream Road



Figure 2: 9194 Gulfstream Road

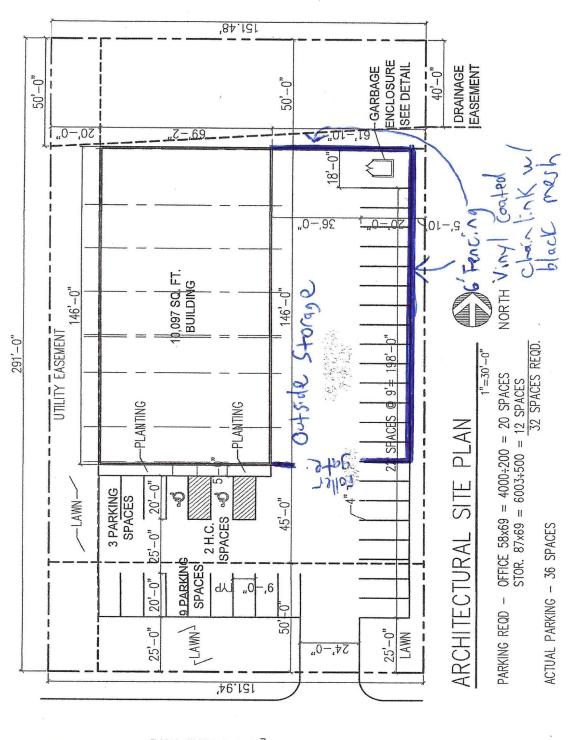
# Site Photos – 9194 Gulfstream Road



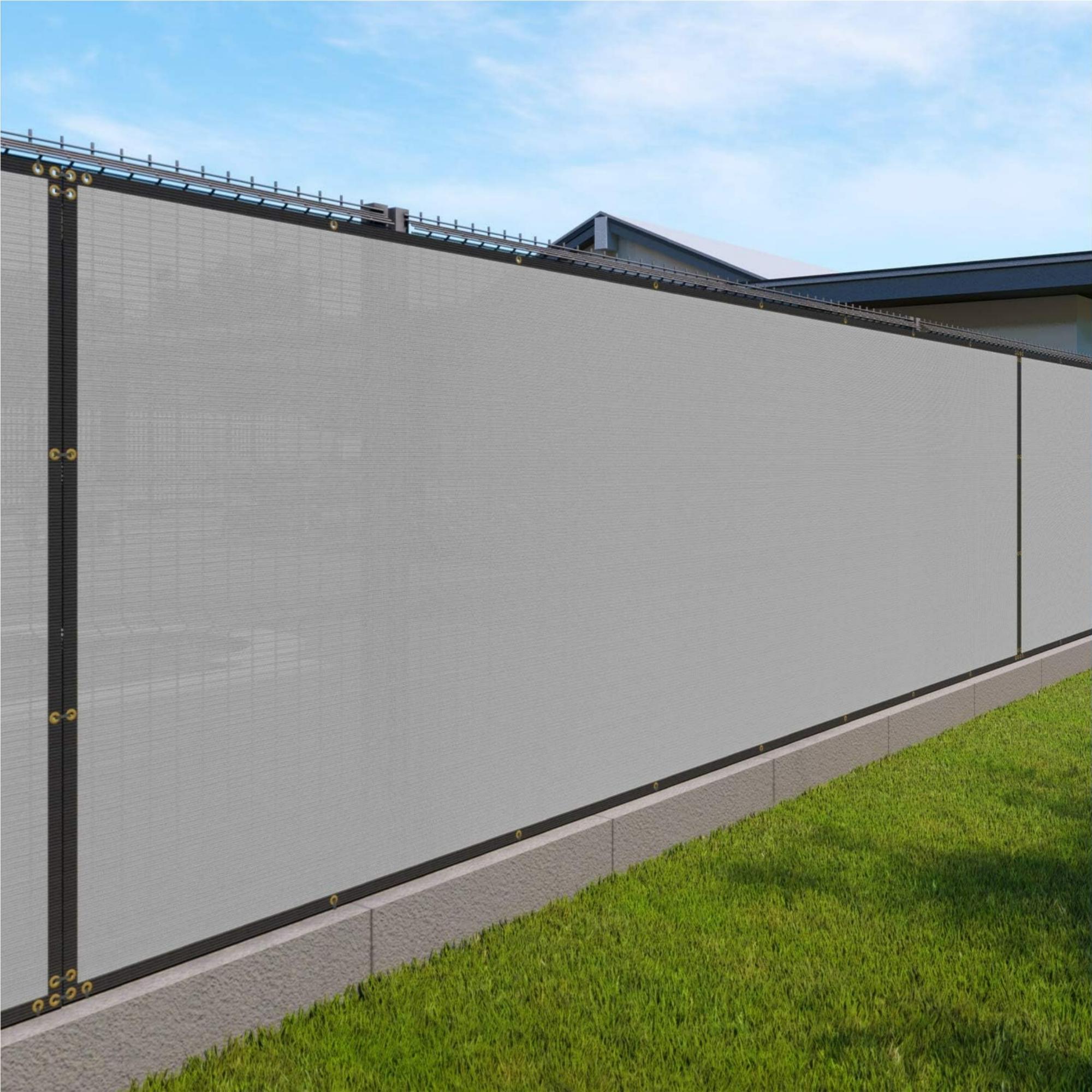
Figure 3: Front parking lot consisting of 15 spaces (including 2 handicap accessible spaces)



*Figure 4: East row of parking consisting of 23 spaces (8 spaces outside gated area, 15 spaces inside gated area)* 



C-CULFSTREAN ROAD



# EquipmentShare.com Inc Tooling Solutions Division Located at 9194 Gulfstream Rd, Frankfort, IL

EquipmentShare is a nationwide construction technology company dedicated to increasing industry productivity through smart jobsite technology and equipment rental, retail, and service centers. EquipmentShare integrates its cloud-connected platform, T3, into its rental experience providing customers with unparalleled visibility and control over their machines and job site operations. We operate four divisions: Core Solutions, Advanced Solutions, Tooling Solutions, and a Dealership Division. The demand for the company's innovation continues to drive EquipmentShare's growth with over 200 locations across the United States employing over 4,500 team members.

The Tooling Division specializes in renting tools and light-duty industrial equipment used to carry out specific tasks in the construction or manufacturing process. These tools include welders, handheld tools, saws, cutters, and pipe fabricators. Other examples of equipment/tools include:

- Welding, Cutting, and Pipe Fabrication
- Hazardous Location Lighting Equipment
- Electric Contractor Tools
- Industrial Supplies
- Material Handling
- Torquing, Hydraulic, and Electrical Power Tools
- Compressed Air Tools
- Tool Testing, Certification, and Repair
- Safety and Communication Equipment

#### Example of Tooling Solutions Handheld Tooling Equipment



#### Sales and Uses of Location

EquipmentShare primarily engages in business-to-business transactions with limited retail customer interaction. The company uses technology to allow for mobile ordering and site delivery for tool and equipment rental. Additionally, light-duty service and equipment repair and maintenance will be done on-site (inside). Typical repairs would include small engine repair, hose and valve replacement for various equipment, and gasket repair for pumps, etc.

For more information please visit our website at www.equipmentshare.com.

9194 Gulfstream is an existing location comprised of a one-acre site with a 10,000 SF building. The property is zoned I-1, Light Industrial. The building is new and vacant and has approximately 6,000 SF of warehouse space and 4,000 SF of office space. The warehouse space has four roll-up doors. This location will be open Monday through Friday and typically closed on weekends and most major holidays. This location will have approximately 8 employees.

No significant changes will be made to the building or the site. EquipmentShare would like to build a privacy fence adjacent to the east side of the building. This fence would be a 6', black vinyl-coated chain link fence with gray mesh screening. The site plan shows the fence's proposed location. The purpose of this fence is to enclose some small equipment that will be stored outside such as traffic cones, traffic barrels, etc.

EquipmentShare.com Inc is applying for two Special Use Permits (SUPs). The first SUP is for the ability to operate an equipment rental facility. Per the Village of Frankfort's zoning code, an SUP is required for this type of use in the L-1 zoning district. The second SUP is for the ability of this location to store equipment outdoors. Per the Village of Frankfort's zoning code, a property that is zoned I-1 must be granted an SUP for outdoor storage. Per the zoning code, "all outdoor storage facilities for accessory uses and products shall be enclosed by a fence, wall or plant materials adequate to conceal such facilities for adjacent properties and the public right-of-way". Therefore, the above-described fence will be built.



# Application for Plan Commission / Zoning Board of Appeals Review Special Use Permit Findings of Fact

Article 3, Section E, Part 6 of the Village of Frankfort Zoning Ordinance lists "findings" or "standards" that the Plan Commission must use to evaluate every special use permit request. The Plan Commission must make the following seven findings based upon the evidence provided. To assist the Plan Commission in their review of the special use permit request(s), please provide responses to the following "Findings of Fact." Please attach additional pages as necessary.

1. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

EquipmentShare.com Inc is applying for two special use permits. One is to operate a business that rents large industrial/commercial tools and equipment. The other one is for outdoor storage. EquipmentShare's intended use as a commercial/industrial tool rental facility (business-to-business, not retail) with outdoor storage will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The special uses will not diminish or impair other properties in the area. EquipmentShare's use is consistent with other properties in this immediate area which are industrial and multi use commercial properties.

3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The special uses will not impede development for surrounding properties as EquipmentShare's use is comparable to other businesses uses in the immediate area.

4. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

This is an existing building that was recently built. EquipmentShare does not intend to alter the exterior of the building. A new screening fence will be installed on the side of the property adjacent to the building that will conceal the materials stored outside from adjacent properties and the public-right-of-way.

5. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Yes

- 6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Yes
- 7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission. Yes



# Findings of Fact Commissioner Evaluation Form - Special Use Permit

Article 3, Section E, Part 6 of the Village of Frankfort Zoning Ordinance lists "findings" or "standards" that the Plan Commission must use to evaluate every special use permit request. No special use shall be recommended by the Plan Commission unless all the following findings are made.

	STANDARD	NOTES	MEETS	
a.	That the establishment, maintenance or			
	operation of the special use will not be		YES	NO
	detrimental to, or endanger, the public health,			
	safety, morals, comfort or general welfare.			
b.	That the special use will not be injurious to the			
	use and enjoyment of other property in the		YES	NO
	immediate vicinity for the purposes already			
	permitted, nor substantially diminish and impair			
	property values within the neighborhood.			
с.	That the establishment of the special use will not			
	impede the normal and orderly development and			
	improvement of the surrounding property for		YES	NO
	uses permitted in the district.			
d.	That the exterior architectural appeal and			
	functional plan of any proposed structure will not			
	be so at variance with either the exterior			
	architectural appeal and functional plan of the			
	structures already constructed, or in the course of		YES	NO
	construction in the immediate neighborhood or			
	the character of the applicable district, as to			
	cause a substantial depreciation in the property			
	values within the neighborhood.			

e.	That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.	YES	NO
f.	That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.	YES	NO
α.	That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.	YES	NO