



**MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
DECEMBER 10, 2020 – VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET**

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

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

Commissioners Absent: Lisa Hogan

Staff Present: Senior Planner Christopher Gruba, Utilities Director Zach Brown, and Utilities Executive Assistant Marina Zambrano.

Elected Officials Present: Trustee John C. Clavio as Village Board Liaison, and joining by public attendee remote connections, Trustee Borelli and Trustee Ogle.

Chair Rigoni stated this meeting will be conducted by video conference through Zoom without a physically present quorum because of a disaster declaration related to Covid-19, Tier Two mitigations ordered by the Governor, and public health concerns affecting the Village of Frankfort. An in-person meeting at the Village Administration Building is not practical or prudent because of the disaster and Tier 2 mitigations, and therefore the Chairperson, Commissioners, Village Administrator, and Village Attorney will not be physically present at the Administration Building. The commissioners, staff, and I are participating in tonight's meeting from different locations in accordance with social distancing guidelines.

She explained because the public hearings noticed for tonight's meeting were noticed to take place at the Administration Building, the building remains open for public attendance, in accordance with the Tier 2 mitigations that took effect November 11, 2020, which limit gatherings to no more than ten. This Zoom meeting is being broadcast inside the Board Room and anyone who physically attends this meeting will have the opportunity to see and hear the full discussion and action taken by the Commission. A revised agenda for tonight's meeting was properly posted during daytime hours on Friday, December 04, 2020, and provides information necessary for the public to join the Zoom meeting remotely by computer or by telephone. Public comments were also accepted in advance at the email address, publiccomments@frankfortil.org, as specified on the agenda.

Chair Rigoni concluded noting it is important that the public hearing(s) scheduled for tonight be heard, to continue critical Village business which will enable ongoing construction, development, protection of property values, and the promotion of the Village's economic vitality.

She then described the remote proceedings for the benefit of the Commission and any public in attendance, detailing how and when public comments would be heard.

A. Motion to allow remote participation by the Plan Commission.

Motion (#1): Motion to allow remote participation by the Plan Commission.

Motion by: Michuda

Seconded by: Knieriem

Approved: (6 to 0)

B. Approval of the Minutes from November 12, 2020

Motion (#2): Approval of the minutes from November 12, 2020.

Motion by: Knieriem

Seconded by: Markunas

Approved: (3 to 3)

Abstain: Leddin, Michuda, Guevara

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

C. Public Hearing Request: Big City Motor Sales Special Use (Ref. #102)

Public Hearing Request: Special use for automobile sales to permit the operation of Big City Motor Sales at 9227 Gulfstream Road, Unit H.

Senior Planner, Christopher Gruba presented the staff report and provided an overview of the request to permit the indoor-only sales of cars within Unit H. Mr. Gruba noted 3-5 vehicles will be stored inside at each time but no more than 5. The application noted that the sales of vehicles would be primarily internet-based, with few in-person sale activity. As is included in the Zoning Ordinance definition of “automobile sales... and service”, the applicant also intends to perform vehicle repair, detailing and washing within the enclosed building. Mr. Gruba noted that a similar special use request was granted for this property for Unit E on July 17, 2006 and no complaints have been received by staff. Mr. Gruba suggested that two conditions be added to the request in the event of an approval, including that there be no outdoor storage of vehicles or equipment and limiting the outdoor parking to employees and customers only. The applicant was not present for discussion.

During the Plan Commission Discussion:

- Chair Rigoni asked staff if any written comments were received regarding the special use request. Mr. Gruba noted that no comments had been received;
- Commissioner Markunas noted his approval to move forward with the request adding the two (2) provisions limiting the parking to employees and customers only and no outdoor storage;

- Member Leddin questioned the number of vehicles that were permitted to be stored in Unit E of the facility. Mr. Gruba noted the size of Unit E should be standard with the other units on the property, including Unit H, but that the Special Use Permit for Unit E did not specify the number of vehicles stored inside. Utilities Director, Zach Brown, noted that generally staff recommends that cars be stored indoors, especially in the case of multi-tenant buildings;
- Commissioner Leddin questioned if any concerns had been raised by the other tenants within the building regarding the proposal. Mr. Gruba noted no comments or complaints were received by staff.
- Chair Rigoni noted that the proposed outdoor parking restriction condition that was placed on Unit E should also be applied to Unit H for consistency;
- Chair Rigoni raised the issue of repair occurring within the unit and whether this was permitted as part of the Special Use Permit. Mr. Gruba noted that the Zoning Ordinance definition of “automobile sales... and service” does include repair of vehicles as well, so that the singular Special Use Permit request before the Commission would allow for both indoor car sales and repair. Mr. Brown suggested that if excessive auto repair within the unit were a concern, an additional condition could be added that would limit car repair to an ancillary use. He noted that such a condition would assist Code enforcement efforts by the Village if dilapidated vehicles were being stored outside. Ms. Michuda believed that the existing safeguards sufficed and that no further conditions were needed. The Commission therefore did not add this additional condition.

Motion (#3): Recommend to the Village Board to approve the Special Use Permit, 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.

Motion by: Knieriem
Approved: (6 to 0)

Seconded by: Michuda

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

D. Public Hearing Request: Settler’s Croft Major PUD Change (Ref. #103)

Public Hearing Request: Major PUD change to permit construction of a new home on Lot 4 in Settler’s Croft with side yard setbacks of five feet to the north and twenty feet to the south.

Senior Planner Christopher Gruba introduced the proposal, noting that the impetus for the Major PUD Amendment was the proposal to develop Lot 4, the last remaining vacant lot in Settler’s Croft. He noted that Settlers’ Croft was approved as a PUD in 2003 and therefore supersedes the regulations of the Zoning Ordinance. The

approved plat within the PUD illustrates the required front yard setbacks for all lots but only specifies the required rear and side yard setbacks for some lots. The approved plat does not specify the required side yard setbacks for Lots 3-5. The PUD document includes a "typical lot layout" that illustrates a 30' side yard setback on the garage side of the house and a 5' side yard setback on the non-garage side. However, as homes were being constructed from 2003 to the present day, the "typical lot layout" had not been adhered to precisely, resulting in differing side yard setbacks and to property lines and different spacing between the houses themselves. He indicated that the shortest distance between existing buildings/homes is 32' and the largest distance is 47'. Mr. Gruba stated that staff recommended amending the PUD language to clarify the required side yard setbacks, which could be accomplished by setting a minimum distance from the house to the property line or house to house.

Applicants, Jim and Cathy Dee were present and thanked staff for assisting in the process. Mr. Dee also noted that he met with HOA president to review the covenants and restrictions and received the approval from the Homeowners Association and was never made aware this was a PUD (Planned Unit Development) and had to follow certain restrictions. Builder, Jim Sleeman was also present for discussion.

During the Plan Commission Discussion:

- Commissioner Guevara questioned if the house, as proposed, is currently non-conforming. Mr. Gruba noted that the PUD language is ambiguous and that staff felt that the most appropriate path for review and clarification was by bringing the issue before the Plan Commission as a Major PUD Amendment. Mr. Brown noted the proposal represents the greatest deviation from the typical lot layout and the existing house setbacks. He also suggested that the Commission could amend the PUD to apply only to Lot 4, as opposed to all lots within the subdivision, as this is the final undeveloped lot;
- Member Michuda questioned whether Exhibit I, excerpt from the existing PUD illustrating the "Typical Lot Layout" was available to the applicant during the design phase. The applicant noted that he was not aware of it until working with staff;
- Ms. Rigoni read three separate email comments from Mr. Piazza, Ms. Ellis and Mr. Struck aloud to the board, verbatim. Mr. Piazza did not have any objections to the proposed development. Ms. Ellis was strongly opposed to the proposed site plan and side yard setbacks. Mr. Struck was also strongly opposed to the proposed site plan and side yard setbacks;
- Peter Struck spoke in-person, neighboring resident at 20659 Settlers Lane expressed his concern with the reduced separation between the two homes noting that they will lose the greenspace and mulch landscape area that will separate the properties from the reduced side yard setbacks;
- Nora Ellis spoke in-person, neighboring resident at 20631 Settlers Lane expressed her concern with the reduced side yard setbacks and clarified that

she never met with the applicants to discuss the proposal and the HOA members never mentioned anything to her regarding the proposal and feels the applicant should abide by the requirements as they did. She noted that the applicants were not guided properly when designing the home and the plan should be revised;

- Builder, Jim Sleeman added that he was not part of the initial design process but became part of the process after it was designed and purchased. Once he was aware this was a PUD he sent the info to staff and waited for comments to proceed;
- Commissioner Michuda noted that it seems that there was a lot of miscommunication through their initial process and not enough proper guidance including new HOA members, but feels the issue needs to be resolved between the adjacent neighbors and come into an agreement;
- Mr. Guevara questioned whether the word “typical” qualifies as a requirement or simply serves as a guideline. Mr. Brown noted that if every lot were built to the typical lot layout standard, then Lot 4 should not be exempt. Mr. Brown noted not everyone followed the “Typical or consistent setbacks and that only two existing homes come close to the 30’ setbacks;
- Chair and Commissioners shared their view that the applicants and the two neighboring residents should come to an agreement and set a minimum separation;
- Mr. Brown noted two options for the applicant to consider. Applicant to consider reducing the setbacks or have the Commissioners vote as is on the proposal;
- The Commissioners discussed placing a requirement of 25.2’ side yard setback to the south property line and 5’ from the north property line. Mr. Dee stated he is ok with reducing the setback from the southern property line to 25.2’ and will revise the plans and submit to staff for review;

Motion (#4): Recommend to the Village Board to approve the Major PUD Amendment, to be applicable to Lot 4 only, to require a 25.2’ side yard setback to the south property line and a 5’ side yard setback to the north property line, in accordance with the reviewed plans and public testimony, contingent upon continued approval of the Settler’s Croft homeowner’s association.

Motion by: Knieriem
Approved: (6 to 0)

Seconded by: Michuda

E. Public Comments

None.

F. Village Board and Committee Update

Trustee Clavio discussed items covered at the various committee meetings of the Village.

G. Other Business

Mr. Brown noted that Assistant Administrator/ Director of Development Services has attended his resignation and hiring will be taking place for an Entry Planner and Director of Development Services. Mr. Brown also noted Kroger has stated they will be pursuing the gasoline station near the existing Mariano's grocery store along Route 45.

H. Attendance Update

All members present confirmed their availability for the next Plan Commission meeting to be held on January 14, 2021. Chair Rigoni noted that it's important for all members to advise staff of attendance for all the meetings to assure there will be a quorum.

Motion (#6): Adjournment (8:54 PM)

Motion by: Markunas

Seconded by: Leddin

Unanimously approved by voice vote.

Approved January 14, 2021

As Presented X

As Amended _____

Maura A. Rigoni /s/Maura Rigoni, Chair

Christy P. Le /s/ Secretary