



**MINUTES**  
**MEETING OF VILLAGE OF FRANKFORT**  
**PLAN COMMISSION / ZONING BOARD OF APPEALS**  
**June 24, 2021 – VILLAGE ADMINISTRATION BUILDING**  
**432 W. NEBRASKA STREET**

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

Before proceeding to roll call, Chair Rigoni swore in newly appointed Commissioner David Hogan.

**Commissioners Present:** Will Markunas, Dan Knieriem, Lisa Hogan, Nichole Schaeffer, David Hogan, and Chair Maura Rigoni

**Commissioners Absent:** Ken Guevara

**Staff Present:** Senior Planner Christopher Gruba, Senior Planner Janine Farrell, and Director of Community and Economic Development Michael Schwarz

**Elected Officials Present:** Mayor Keith Ogle, Trustee Jessica Petrow, and Trustee Adam Borrelli

**A. Approval of the Minutes from June 10, 2021**

**Motion (#1):** Approval of the minutes from June 10, 2021.

Motion by: Knieriem                      Seconded by: Lisa Hogan

Approved: (6 to 0)

Chair Rigoni swore in all those wishing to provide public testimony and introduced the meeting process for the public. Chair Rigoni explained to the public the difference between the public hearings and the workshops on the agenda.

**B. Plat Approval: Fritz Residence – Plat of Dedication (North Avenue)**

Chair Rigoni introduced the case. The applicant, Tom Fritz, is seeking approval of a plat of dedication for parcel 19-09-23-100-014-0000 in order to dedicate a portion of North Avenue to the Village. Gruba presented the staff report and displayed an aerial image on the screen. The parcel extends from North Ave. to Route 30, although Hickory Creek runs through the southern portion of the parcel. The parcel has two pieces which is due to a ComEd powerline constructed at a later date, dividing the property. The applicant, Tom Fritz, is proposing to construct a single-family home on the parcel, which would have driveway access to North Ave. and given an address of 8559 W. North Ave. The parcel property line currently extends onto the pavement of North Ave. and the Plat of Dedication is needed to dedicate 40 ft. of right-of-way (ROW) to the Village. The Plat of Dedication is required to allow the construction of

the house on the parcel and the house plans are currently under review by Village staff. Gruba presented the Plat of Survey on the screen and showed the proposed 40 ft. dedication. There would also be an additional 20 ft. of ROW dedicated to the Village at the northwest corner of the parcel in the event that Micou Drive were ever extended to serve the large 55-acre parcel to the west. The applicant also owns the property to the west.

Chair Rigoni asked if there were any initial questions by the Commissioners. There were none.

Chair Rigoni asked if the applicant was present and wished to speak. Tom Fritz introduced himself as the owner of the subject parcel and of the parcel immediately to the west.

Chair Rigoni asked if the Commissioners had any questions of the applicant or staff.

During Plan Commission discussion:

- Commissioner Schaeffer asked if the driveway was located on the edge of the ROW. Gruba explained that it would cross the ROW and displayed the Plat to illustrate the driveway location.
- Chair Rigoni noted her appreciation for the forward-thinking regarding access to the parcel to the west.
- Commissioners Lisa Hogan, David Hogan, Knieriem, and Markunas did not have any questions.

**Motion (#2):** Recommend the Village Board approve the Plat of Dedication for the property located at 8559 W. North Ave.

Motion by: Lisa Hogan                      Seconded by: Knieriem

Approved: (6 to 0)

### **C. Workshop: 11258 York Drive**

Chair Rigoni introduced the workshop request. The applicants, Mr. & Mrs. Wagner, are requesting two variations to permit a detached pool cabana. The cabana would measure 360 square feet, whereas 144 square feet is permitted and be 26'7" or 17'6" tall, whereas 15' is permitted. As such, the applicant provided two options for the pool cabana. Each option would measure 360 square feet in area but would differ regarding the height.

Farrell noted that the property is located in the Olde Stone Subdivision, on a parcel that is 18,034 square feet and has frontage along both Dublin Court and York Court. Farrell reviewed the two options for discussion. Option 1 would be 17'6" tall, with some masonry along the base. Option 2 would be 26'7" tall, with stone instead of brick. Farrell noted that the swimming pool had not yet been constructed. Both

options would measure 15' x 24', or 360 square feet. Both options would comply with the Zoning Ordinance requirements for R-2 zoned properties regarding lot coverage, impervious lot coverage and rear yard coverage. She noted that both options incorporate building materials that match the primary residence. Pictures of the residence were shown to the Commission and the public.

During Plan Commission discussion:

- The applicants explained to the Commission that they wanted to provide two options for discussion and mentioned that they would also consider a third design option. They stated that they preferred the second option but were willing to lower the pitch of the roof. Mr. Wagner noted that the cabana size was determined by the size of the proposed pool, so that the two would be compatible in size and visual aesthetics. The applicants stated that they did not want to place a small cabana next to a large pool. The applicants noted that the height of the cabana (Option 2) would be more visually compatible with the height of the house.
- Chair Rigoni asked the applicants if they have received permission from the HOA. The applicants replied that they had for both options.
- Commissioner Hogan asked the applicants if the square footage was the same for each option. The applicants replied in the affirmative.
- Chair Rigoni asked that the Commission first provide comments regarding the variance request for square footage.
- Commissioner Hogan noted that she was less concerned about the square footage than the structure height. She noted that the cabana was attractive in appearance, but that it may be too tall and that Option 1 may be preferable.
- Commissioner Schaeffer asked to clarify that the square footage request was for the cabana only and not the pool. The applicants stated that the square footage request was only for the cabana. Commissioner Schaeffer stated that she had no comments regarding the square footage request but believed that the height was a concern. She suggested that perhaps elements could be pulled from the two options to create a third option, being a structure with a lower roof pitch, with stonework and open sides, as opposed to walls enclosing the structure. She felt that the open sides would allow for a less massive appearance, which would offset the variance requested for square footage.
- Commissioner Markunas expressed concern with both the proposed square footage and the height, with more emphasis on the height. He stated that the proposed cabana seemed attractive but seemed out of place for the location. He asked the applicants why they were asking for a height variance of 17.5'. The applicants responded that a steeper roof pitch would better match the house. The applicant noted that, per their architect, a decrease in roof pitch from 17.5' to 15' does not seem much, but visually, the cabana would appear squat and not complement the architecture of the house. The applicants stated that, being on a

corner lot, they could install a privacy fence, but believed that the property would have better curb appeal with a well-crafted cabana. Commissioner Markunas agreed that the design of the cabana was compatible with the house but that it could still be lowered to 15' in order to comply with the Zoning Ordinance requirement.

- Commissioner Knieriem stated that he had concerns regarding the pitch of the roof and that the height should be brought closer to 15'. He asked whether a scale rendering could be provided to better illustrate the cabana next to the house. He noted that the square footage requested is significantly larger than what is permitted but understood that the cabana size and width were designed to match the width of the pool. He suggested that the storage wings of Option 1 could be removed to decrease the square footage variance request. In summary, Commissioner Knieriem recommended that both the roof height and total square footage be brought closer to maximum permitted for both.
- Commissioner David Hogan inquired about the storage rooms for Option 1 and asked what the back of the structure would look like facing the street. He questioned whether the cabana would appear more like a detached garage or a pool house. The applicants noted that the rear of the cabana, for either option, would have a fireplace chimney on the back for function and visual interest.
- Mr. Wagner asked the Commission about their hesitation regarding the proposed 17.5' height and asked how many votes were needed to approve the variance requests. Chair Rigoni replied that the project was being reviewed as a workshop, which would not include action by the Commission, but rather offer comments prior to a future public hearing. She also noted that the Plan Commission is a recommending body for variance requests to the Village Board.
- Commissioner Hogan noted that he liked the appearance of Option 2 better than Option 1, but that Option 1 would actually work better in practice.
- Chair Rigoni stated that when the sides were left open, as in Option 2, that it visually reduces the mass of the structure, which would be preferable. She noted that having solid walls on three sides makes the structure appear larger. She noted that the height request of 26'7" was too tall, but that 17.5' would be more acceptable. She also noted that she would be amenable to a structure larger than 144 square feet.

#### **D. Workshop: 10650 Yankee Ridge Drive**

Chair Rigoni introduced the workshop request. The applicants, Michael and Rima Murphy, are requesting one variation to permit a detached pool cabana. The cabana would measure 288 square feet, whereas 144 square feet is permitted.

Farrell presented the project, noting that the property is located within the Yankee Ridge Subdivision and the lot is 24,343 square feet. She noted that there is an existing swimming pool and that a 16'x18' cabana was being proposed. She noted that the cabana complied with all other setback, lot coverage, impervious lot coverage and

height requirements in the Zoning Ordinance for R-2 properties. She noted that the pool cabana would be open sided on three sides, with a fireplace along the western wall. The cabana would be constructed of cedar beams and posts and would have roofing shingles that matched the house.

During Plan Commission discussion:

- The applicant, Rima Murphy, spoke to the Commission, noting that they had renovated the landscaping and the patio last year and would now like to complete the project with the cabana. The applicant's builder, Rick Pedigo, was also present at the meeting. Mr. Pedigo noted that there are number of accessory structures larger than 144 square feet in Frankfort and maintained that only recently has a shade structure been considered an accessory structure by the Village. Mr. Pedigo noted that a 144 square foot structure does not leave much usable room within the cabana, once a table and some chairs are placed inside. The addition of a stone base for the posts would also decrease the open area of the structure footprint.
- Commissioner Markunas asked the applicants whether they had investigated smaller options for a pool cabana. The applicants responded that they wanted to build a cabana that blended with the neighborhood. Markunas asked the applicants why the cabana was offset from the pool. The applicants responded that there is a large mature tree near the pool that they are trying to retain.
- Commissioner Knieriem noted that the property is much larger than required per the Zoning Ordinance and that there is a large rear yard but that the requested 288 square feet is twice the size permitted for an accessory structure. He asked whether the cabana could be decreased in size. Mr. Pedigo stated that the proposed 16'x18' footprint was dictated by allowing a table and seating for a family of 6. Knieriem asked if a floorplan was available. The applicant stated that they did not have a floorplan but could provide one for the future public hearing.
- Commissioner David Hogan asked whether the applicant had obtained approval from the HOA. The applicant responded in the affirmative and that the HOA is relying on the variance process by the Village. In other words, if the Village Board were to approve of the cabana request, the HOA would also approve of the request.
- Chair Rigoni noted that 144 square feet is more appropriate for a shed but would be a restrictive size for a cabana. She stated that the size did not seem overwhelming because three of the sides are left open, so that the structure appears less massive.
- Commissioner Lisa Hogan stated that she would like to see a floorplan with furniture superimposed on the plan. She also liked that the design left three sides open.
- Commissioner Schaeffer asked where the cabana would be in relation to the

fence. The applicants noted that the cabana would be approximately 14' off the property line when measured to the cabana chimney.

#### **E. Workshop: 49 N. White Street**

Chair Rigoni introduced the workshop for three (3) variance requests for detached garage height and for patio setbacks from the rear and side property lines. The applicants, Betsy Doogan and Chris Warfield, were present at the meeting, as well as their architect, Gabe Garcia.

Farrell presented the project, stating that the existing detached garage would be remodeled and raised in height from 15' to 19', requiring a variance. The applicants also proposed installing a rear yard patio, which would be set back 4' from both the side and rear property lines, whereas at least 10' is required. She noted that the property is 8,518 square feet in area and that the parcel and structures are existing, non-conforming, as they do not meet the R-2 zone district requirements regarding lot size, lot coverage and rear yard coverage. Farrell noted that the house and garage were remodeled in 2018, when a second story was added to the house and both structures were remodeled and repainted. She noted that the raising of the garage roof would not affect the existing footprint of the garage. The current garage design includes a hipped roof, which matches the hipped roof on the house. The proposed garage changes include adding two dormer windows and a façade window facing E. Bowen Street and replacing the overhead garage door with a Craftsman-style door that would better match the residence. The proposed patio would include a freestanding fireplace abutting the south side of the garage. She noted that although the patio is proposed to be located 4' from both the side (south) and rear (east) property lines, the existing garage is located only 3.41' from the east property line. Farrell noted that patios do not count toward lot coverage or impervious lot coverage, per the Zoning Ordinance.

During Plan Commission discussion:

- The applicant, Betsy Doogan, spoke before the Commission, stating that she had inherited the house and would like to make the backyard space more functional.
- Commissioner Knieriem asked the applicants why they wished to raise the height of the detached garage and whether it would include any livable area in the loft. The applicants stated that by raising the height of the garage, they could install taller garage doors, allowing them to store taller vehicles that they own. They would probably install a small attic, but it would not be intended as living space or an accessory dwelling unit. They noted that the garage is equipped with air-conditioning and heating. Commissioner Knieriem asked if the fireplace were dual-sided. The applicants replied that the fireplace would only face toward the patio.
- Chair Rigoni noted that if this item were to return as a public hearing, that a condition of approval would be added that living space would not be permitted in the garage.
- Mr. Garcia noted that the overall roof height could be lowered slightly. He also



noted that the fireplace would be gas, not wood-burning.

- Commissioner Hogan noted that the existing garage does look short compared to the house.
- Commissioner Markunas asked the applicants if any other upgrades would be included with the garage remodel. The applications replied that no other upgrades were proposed.
- Commissioner Lisa Hogan stated that variances for garages are more common in the downtown area. She asked the applicants what the existing large window was for on the side of the house facing E. Bowen Street. The applicants stated that the large window is for the staircase landing.
- Commissioner Shaeffer noted that the outdoor patio would be a good use of the backyard space.
- Chair Rigoni noted that there is a large front yard greenspace along White Street that would offset the loss of greenspace in the rear yard. She noted that the residents to the south would be impacted the most by the patio request.
- Commissioner Markunas stated that if the neighbors to the south of the subject property did not object to the plans, then he would be more comfortable recommending approval of the variance requests.
- Commissioner Knieriem stated that it would be helpful if the applicants could obtain a letter of non-objection from the neighbors to the south.

**F. Public Hearing Request: 20553 S. La Grange Road – Abri Credit Union Major PUD Change & Special Use (Ref. # 108) Tabled from May 13, 2021, May 27, 2021, and June 10, 2021**

Chair Rigoni introduced the case. The applicant, Abri Credit Union, is requesting a special use to allow drive-up service windows associated with a permitted use as well as a Major PUD change to alter the existing PUD for the undeveloped property located along South La Grange Road, north of Abbey Drive and adjacent to the existing Dunkin' Donuts within the Vineyards of Frankfort commercial plaza. Gruba presented the staff report and displayed a series of site plans to illustrate a history of the proposals. In the first site plan, the ATM was located on Alsip Nursery's property and had to be changed. In the second site plan, which was discussed as a workshop item at a Plan Commission meeting, the converging traffic at the Dunkin' Donuts and Abri drive-throughs was seen as an issue. Some Commissioners expressed a desire to see a plan more like what was approved in 2008. On the site plan dated February 5, 2021, some parking modifications were incorporated based upon staff's concerns about the lack of parking on the site. On the site plan dated March 9, 2021, an exit to the east was added to avoid the Dunkin' Donuts drive-through, but the Fire District objected since emergency vehicles would not be able to make the turn radius. On the site plan dated March 18, 2021, there were only five parking spaces when 18 is the required

amount.

The most recent site plan, dated June 9, 2021, is the one currently before the Commission tonight. Gruba noted the changes to the plan which had occurred including changing the drive aisle between Dunkin' Donuts and Abri heading east to a one-way, and the addition of more parking. Gruba presented images of the site on the screen. The current site plan closely mirrors the site plan that was approved for First Bank Vineyards in 2008, which was never built. The main difference is the traffic will flow out to the east instead of the north. This reflects a recommendation by some of the Plan Commissioners during the workshop meeting. The First Bank Vineyards site plan illustrated 16 parking spaces, the amount required per code for a stand-alone bank. The eight parking spaces along the east property line did not meet the required 5 ft. setback from all property lines, if in fact this was a Zoning Ordinance requirement in 2008, the 5 ft. setback could be waived through a Major PUD amendment. On the current plan, the north drive aisle for Abri will be striped as one-way, allowing for two lanes between Dunkin' and Abri, both traveling east. The one-way drive aisle on Abri's property will mostly function as a bypass lane for the Dunkin' drive-through, but could also serve Abri customers that parked in one of the eight spaces and decided to travel north instead of past the drive-through windows. The site was approved as a PUD in 1996. A PUD generally involves cross-access and shared parking between uses in the PUD. Although not explicitly written on the PUD plans, it does appear that shared parking and cross access are implied, as evidenced by parking spaces cut in half, no other access for Outlot B, and the fact that the only access to LaGrange Rd. is via the main parcel. It's highly unlikely that the Abri parcel could obtain an access from LaGrange Rd. from IDOT, nor was this illustrated on the 1996 PUD. The PUD site plan from 1996 illustrates "Outlot B" with a building that is 3,600 sq. ft. Abri is proposing 2,550 sq. ft., which is over 1,000 sq. ft. less.

Gruba stated that this past Friday, June 18, 2021, he received a letter of objection from Robert Huguelet, the attorney representing Dunkin' Donuts. Mr. Huguelet was objecting to the proposed plan, specifically that all traffic would have to enter the Abri site through Dunkin' Donuts. This email was received after the packets were distributed, but has been printed off for each Commissioner.

Gruba went to the site and took images of the parking lot, displaying them on the screen. Gruba noted that the parking lot is largely empty during Abri's regular hours of operation. During the weekends and evenings when Enrico's is open, the parking lot in this area near Outlot B can become full, but Abri is closed at this time. Gruba showed the shared spaces in the development which could be used by Abri.

Gruba displayed the landscape plan and noted that a few trees are missing along the LaGrange Rd. frontage. Gruba stated that a condition could be added to ensure the trees are installed.

Chair Rigoni asked if the applicants were present and wished to speak. David Grobart, the attorney for Abri Credit Union, and Brian Cedergren, the CEO of Abri Credit Union, introduced themselves. Mr. Grobart thanked staff for the presentation. Mr. Grobart stated that the drive-through service is critical for Abri's operations. Mr. Grobart noted that he had initially contacted the attorney for Dunkin' Donuts in



November in order to secure an easement, but did not receive any response until last month. Mr. Grobart referenced the evolution of site plans which were shown and stated that Abri has tried to accommodate Dunkin' Donuts as much as possible, but now they are out of options. The PUD in 1996 was approved with shared access. The businesses each have different busy hours. Mr. Grobart said that Abri has been in the Frankfort community for 20 years.

Mr. Cedergren stated that Abri is already located in the Vineyards of Frankfort development and receives roughly 75 to 100 customers a day. This is about 10 customers per hour.

Chair Rigoni asked the Commissioners if there were any initial questions.

Commissioners Lisa Hogan and Nichole Schaeffer did not have any questions.

Chair Rigoni asked the applicant to confirm the hours of operation. Mr. Cedergren answered Monday through Friday 9:00 a.m. to 6:00 p.m.; Saturday 9:00 a.m. to 1:00 p.m.; Sunday closed. Staff arrives about 8:45 a.m. There will be a maximum of five employees, but typically four. Staff will park to the east. Gruba confirmed that there is a shared parking and easement agreement with Alsip Nursery and the Vineyards of Frankfort for the parking spaces that Mr. Cedergren mentioned. Commissioner Schaeffer mentioned the provision in that agreement which stipulates the Alsip Nursery gate must be opened before Abri would open. There was some discussion about the gate and Commissioner Schaeffer stated she has seen this gate closed in the evening.

Chair Rigoni asked where the mechanical equipment will be housed. Gruba stated that there is a cavity proposed on the rooftop which will be screened by the parapet. Rigoni stated that she would like a condition requiring that the mechanical equipment be screened by the parapet or other form of screening.

Chair Rigoni asked where the proposal for one-way traffic between Abri and Dunkin' Donuts came from. Mr. Grobart stated that this was an effort to satisfy Dunkin' Donuts concerns. Gruba stated that there were meetings and discussions with both parties which resulted in this proposal.

Commissioner Markunas stated that safety is his primary concern and asked what signage would be installed to signal the new one-way traffic. The applicants stated that they would work with staff on appropriate signage and pavement marking. Gruba recommended that this be added as a condition. Commissioner Markunas asked about the shared parking area to the east. Mr. Grobart discussed the original plan which had the ATM and parking off-site.

Commissioner Knieriem expressed appreciation for Abri's efforts on the proposal. Commissioner Knieriem had no concerns about the availability of parking since the parking lot is fairly empty. Commissioner Knieriem would support a condition for requiring staff to park to the east if it is deemed necessary. Commissioner Knieriem asked if the drive aisle in front of Dunkin' Donuts is open to everyone. Gruba confirmed that this aisle is open to everyone per the PUD plans and a hallmark of a PUD is shared parking and access. Commissioner David Hogan asked Gruba if this was on the original

PUD plan. Gruba confirmed. Mr. Grobart seconded Gruba's comment and stated that the property line straddles a drive aisle and parking spaces so the intent is to share. Commissioner David Hogan stated that customers at Abri and Dunkin' Donuts will be in and out quickly so there should not be congestion. Commissioner David Hogan stated that the property was planned and intended to have shared parking and access.

Chair Rigoni asked if anyone from the public wished to speak on the matter. As Robert Huguelet walked to the podium, Chair Rigoni asked if he wished his June 18, 2021 email read into the record. Mr. Huguelet stated he did not.

Robert Huguelet introduced himself as the attorney for Dunkin' Donuts. He also introduced Jay and Mike Patel, sitting in the audience, as the owners of the Dunkin' Donuts property. Mr. Huguelet stated that reciprocal easements are typically recorded and there is no such recorded easement along the front of the Dunkin' Donuts property. Dunkin' Donuts is not objecting outright to the use of the western property for access, but the business requires an efficient and orderly drive-through to be successful and with Abri only having this western drive aisle for access, congestion will be increased which will impact Dunkin' Donuts' business. Mr. Huguelet stated that his client has 40-50 years of experience with Dunkin' Donuts. Mr. Huguelet asked how many ADA parking spaces would be located on the Abri property. Chair Rigoni answered that the plan shows seven regular spaces and one ADA space for a total of eight spaces. Mr. Huguelet expressed concern over successor users and how much congestion those users could generate. Mr. Huguelet expressed appreciation for the work that Village staff and Abri did on the plans, but that his client would like to see an entrance to the east as well. Mr. Huguelet stated that the applicant has not met all the PUD standards.

Chair Rigoni asked the Commissioners to begin discussion of the two requests, one special use for the major PUD change and one special use for the drive-through facility.

During Plan Commission discussion, Chair Rigoni addressed individual elements of the plan and asked the Commissioners to comment.

- Setbacks: Chair Rigoni confirmed with staff that the proposal meets all applicable setbacks.
- Landscaping: Chair Rigoni recommended that a condition be added to address the missing landscaping along LaGrange Rd.
- Architecture: Chair Rigoni recommended that a condition be added to ensure proper screening of the rooftop mechanicals. Commissioner Schaeffer asked what EIFS stood for. Gruba responded that it is a synthetic stucco type material. Commissioner Lisa Hogan stated she had no concerns about the architecture. Commissioner Markunas stated that his concerns about the architecture have all been addressed with this revised plan. Commissioners Knieriem and David Hogan did not have any further comments about the architecture.
- Sidewalk connection: Chair Rigoni asked for clarification. Gruba noted a sidewalk connection is shown on the utility plan, but not the site plan. Gruba

explained that there is a berm and utility easement along the front of the property abutting LaGrange Rd. so there are many unknowns about how deep the utilities are buried and how much berm would need to be excavated to accommodate a sidewalk. Commissioner Markunas asked if there could be an attempt to accommodate a sidewalk connection. Mr. Grobart stated that there are concerns a sidewalk connection would remove some parking spaces. Commissioner Knieriem noted that this sidewalk would only connect Abri and Dunkin' Donuts and seemed unnecessary.

- Impervious: Gruba confirmed that although he did not have the exact percentage available, it was 2% below the maximum permitted.
- Parking: Gruba stated that there is a shared parking and cross-access agreement between the Vineyards of Frankfort and Alsip Nursery, dated September 12, 1995. Gruba also noted that the gate between the two properties may be closed periodically and read an excerpt of this agreement: "the parties further acknowledge that a gate may be used by Alsip Nursery to regulate traffic entering or using the easement premises to prevent access to Alsip Nursery property when the Alsip Nursery is not open for regular business".
- The Commissioners had no further questions or comments regarding parking.
- Site design: Commissioners Knieriem, David Hogan, and Markunas had no further questions or comments about site design.
  - Chair Rigoni asked about the one-way and how it functions. Gruba stated that it basically memorializes how the traffic flow currently operates today. Chair Rigoni asked if there is a one-way heading southbound in front of Dunkin' Donuts. Gruba stated no, that the plans were incorrect and this is a two-way drive aisle in front of/west of Dunkin' Donuts. Mr. Grobart confirmed that two-way is the intent for that area. Chair Rigoni asked why the plan was changed to a one-way east bound. Mr. Grobart stated this change was to accommodate the Dunkin' Donuts drive-through lane and a by-pass lane. Chair Rigoni stated that if this was changed back to two-way, there would be a second point of ingress to the east. Gruba commented that having a two-way would create traffic confusion.
  - Commissioner Lisa Hogan confirmed with staff that the entrance to the east was eliminated and that there is only one entrance to the west.
  - Commissioner Schaeffer asked that the directional arrows on the plans be updated so they all match throughout the revisions.
  - Chair Rigoni confirmed with staff that the original PUD plan intended only two points of ingress/egress.
  - Mr. Huguelet commented that the parking spaces at Dunkin' Donuts will be used by Abri, the added congestion will negatively impact

Dunkin' Donuts, and Abri has no legal right to use Dunkin' Donuts' property for access. Mr. Grobart responded that Dunkin' Donuts therefore had no right to use the driveway between the properties for the past 20 years and that any development will increase congestion.

As there were no further questions or comments by the Commissioners, Chair Rigoni confirmed the recommended conditions which were discussed: rooftop mechanical equipment must be screened, directional signage and striping must be provided for the one-way eastbound drive aisle, and the addition of road frontage trees along LaGrange Rd.

**Motion (#3):** Recommend the Village Board approve a special use for the Major PUD Change, in accordance with the reviewed plans and public testimony, conditioned on final engineering approval, that the rooftop mechanical equipment shall be appropriately screened from view, compliance with the Landscape Ordinance including additional trees along LaGrange Rd., and upon the inclusion of pavement markings and directional signage for the one-way eastbound drive-aisle to be depicted on the plans and subject to staff review and approval.

Motion by: Lisa Hogan

Seconded by: Markunas

Approved: (6 to 0)

**Motion (#4):** Recommend the Village Board approve a special use to allow drive-up service windows associated with a permitted use on the property located at 20553 S. LaGrange Rd., in accordance with the reviewed plans and public testimony, conditioned on final engineering approval, that the rooftop mechanical equipment shall be appropriately screened from view, compliance with the Landscape Ordinance including additional trees along LaGrange Rd., and upon the inclusion of pavement markings and directional signage for the one-way eastbound drive-aisle to be depicted on the plans and subject to staff review and approval.

Motion by: Lisa Hogan

Seconded by: Schaeffer

Approved: (6 to 0)

#### **G. Workshop: 15 Ash Street – Frankfort Bowl**

Chair Rigoni introduced the workshop item. The applicant, Frankfort Bowl, is requesting a special use for an outdoor tavern/bar associated with a bowling alley located at 15 Ash St. Gruba presented the staff report. The applicant is requesting an "outdoor tavern/beer garden" associated with Frankfort Bowl and located on the same property as Frankfort Bowl. The outdoor tavern/beer garden would be placed in the paved front yard area and include 59 seats. Frankfort Bowl was permitted this use temporarily last summer due to COVID restrictions closing the bowling alley. The applicant is now proposing the same type of activity, but every year, as weather permits.

Gruba presented the site plan on the screen. The patio area would be extended the entire length of the building façade facing Kansas Street. The area would be enclosed

by a 4' tall metal fence, which would be removable at the base to allow for construction vehicles to use the paved front yard for maintenance of the building or the mechanical equipment within it. It is unclear how this removable fence actually functions and how it is anchored to the ground. The fence would be equipped with hanging landscape planters. The tables would have red umbrellas with no advertisements on them. Per the IL State Plumbing Code, an ADA accessible restroom is required for outdoor patrons. Currently, the restroom facilities are on the second floor of the building or otherwise not ADA accessible. To satisfy this requirement, the applicant is proposing an ADA accessible portable toilet. The portable toilet would be a temporary solution while an indoor ADA restroom would be constructed. The location of the new indoor bathroom is not illustrated on the site plan. The applicant intends to utilize the portable toilet for 2021 and the permanent restroom would be completed by 2022. The portable toilet would be located in a corner, screened on two sides by the building walls, and landscape planters.

The proposed fencing would follow the inside edge of the public ROW sidewalks within Ash, Kansas, and Center. There exists a wood split-rail fence along the inside edge of the sidewalk along Kansas Street. The report says that the fence is located on the property line, but the recently obtained property survey shows that the fence is actually located 6" off the property line and within the ROW of Kansas Street. Staff discussed the fence with the Public Works Department, who was amenable to removing the fence. The split-rail fence was originally granted a Certificate of Appropriateness in 1999. It was constructed to match the split rail fence in Breidert Green, which, upon site inspection, no longer exists. The pavement within this outdoor area is flush. Staff did look into the requirements for a fence for the sale of liquor and it appears that the only requirement for fencing is that it must be at least 3 ft. tall, a 4 ft. fence is proposed. It's staff's understanding that the existing liquor license for the bowling alley could be used for the patio as well if the "beer garden" use were to eventually be approved by the Village Board.

The use of an outdoor tavern/beer garden is not listed in the Table of Permitted & Special Land Uses. No such request like this has come before the Commission. In order for the applicant to operate the use, a new category would have to be created and staff recommends "outdoor tavern" or "beer garden." In addition to creating a new use category, the use would also require a special use permit, requiring review by the Commission. Since it's located in the H-1 zone, the proposal would also require a Certificate of Appropriateness by the Historic Preservation Commission (HPC), the same process as the Wine Thief's patio addition. The permanent ADA-compliant restroom would also require HPC review at a later date. Gruba reiterated that the process for the proposal is a workshop item at the Plan Commission, COA at the HPC, Plan Commission public hearing, and Village Board for final action.

Chair Rigoni asked if the applicants were present and wished to speak. Mary Smith introduced herself as the owner of Frankfort Bowl. Scott Johnson introduced himself as a consultant assisting with the project. Mr. Johnson introduced Michael Schideler, who was sitting in the audience, as the owner of the building and property. Mr. Johnson stated that the requested special use is the same as the temporary use which was permitted last year due to COVID and for the past thirteen years during Village festivals. Mr. Johnson stated that COVID has negatively impacted Ms. Smith's

business and the foot traffic that was generated during special events, like the car show, have not drawn crowds into the bowling alley. Mr. Johnson stated that if this use is not approved, the bowling alley will have to close.

Chair Rigoni asked the Commissioners to begin discussion on the proposal.

During Plan Commission discussion:

- Commissioner Lisa Hogan asked what the timeline was for the permanent restroom facilities. Mr. Johnson stated that it was up to the landlord. Gruba clarified that the applicant indicated the permanent ADA compliant restroom would be completed by next season or Spring 2022. Commissioner Lisa Hogan asked if the outdoor patio was the same footprint as previous years because the site plan makes it appear larger. Ms. Smith stated that it is the same footprint, there was just a larger tent used in previous years. Commissioner Lisa Hogan confirmed with the applicant and staff that the fence is removable. Commissioner Lisa Hogan asked for clarification about the Zoning Ordinance text amendment. Gruba stated that since the primary use is a bowling alley, not a restaurant, a new use must be created for this proposal. Staff has recommended outdoor tavern/beer garden since both a tavern and beer garden are defined in the Zoning Ordinance and as a liquor license type.
- Commissioner Schaeffer asked the applicants to confirm the fence is four feet in height. Ms. Smith stated she originally believed a 4 ft. fence was required at the time the plans were drawn, but she later learned only a 3 ft. fence is required. Since the other restaurants in the area like Trails Edge and Fat Rosie's only have 3 ft. fences, she is changing her plans to a 3 ft. instead of a 4 ft. fence. Mr. Johnson stated that temporarily while the fence is being fabricated, the old fence from the Wine Thief will be used. Commissioner Schaeffer asked if delivery vehicles parked in this area. Ms. Smith stated that delivery trucks park on Kansas St. and trolley the products up the stairs to the bowling alley. Commissioner Schaeffer asked what the proposed hours of operation will be. Ms. Smith stated that it depends on the demand, but Wednesday may be added to the Thursday through Sunday operations. The patio would close at 1:00 a.m. Commissioner Schaeffer asked about speakers and live music. Ms. Smith stated that there will not be any live music, only two speakers located near the bar. Commissioner Schaeffer asked staff what the picture was showing the ladder. Gruba stated it was a picture of an interior space that might house the permanent restroom.
- Chair Rigoni asked if the concrete and asphalt paving were proposed to be changed. Gruba stated no, but the applicant indicated if the business were to turn a profit, it might be changed in the future. Mr. Johnson stated that Ms. Smith is currently negotiating a lease with the landlord so there is no point to make improvements like the paving if the lease is not renewed. Chair Rigoni stated that there has been an effort of local businesses trying to make these outdoor dining areas nice with design elements like pavers. Chair Rigoni asked if access to the antique store will be blocked. Ms. Smith stated that access will remain open to the antique store, that the plans are incorrect and show stairs in



the wrong direction. Chair Rigoni asked if there were any other uses like this that have a cooler and a bar outdoors. Gruba stated there were none that he was aware of. Mr. Johnson stated that the cooler will be behind the bar and not visible to the public. Chair Rigoni stated that the portable toilet facing Breidert Green and Kansas St. is a sticking point for her since this is a prime corner in the Village. Chair Rigoni asked staff to investigate other local businesses that have an outdoor dining component which closes at 1:00 a.m. Mr. Johnson stated that Gracie's closes at 1:00 a.m. Chair Rigoni asked staff to also look at the use itself and where there are similar tavern-only type outdoor patios in the Village.

- Commissioner Markunas confirmed with the applicant that there are three points of egress, with the primary entrance off Ash St. and emergency egress off Kansas St. Ms. Smith stated that the third egress, near the antique store, is new and different from previous years. Commissioner Markunas asked if food will be served. Ms. Smith stated no, that there is no kitchen in the bowling alley. Markunas discussed the need for better screening of the portable toilet and confirmed with staff that the intent is for the permanent ADA compliant restroom to be installed by the 2022 season. The owner, Mike Shideler, stepped forward to the podium and stated that the plans were just sent in for the permanent restroom. Mr. Shideler stated that the permanent restroom will be located where the portable toilet is currently shown on the plans and there should be no issue with it completed by Spring 2022. Gruba stated that he had not seen plans as of that afternoon.
- Commissioner Knieriem asked the applicants if the portable toilet could be moved to where the bar and cooler are currently shown. The applicants stated no, that the drink ordering line would then queue at the Ash St. entrance.
- Commissioner Markunas stated that the portable toilet could be moved further west. The applicants approached the dais and Commissioner Markunas drew on the site plan his proposal. The applicants were generally agreeable to this proposal. Chair Rigoni held up the site plan and explained that the portable toilet could be shifted toward Ash Street, thereby allowing the portable toilet door face east toward the building. This layout would provide landscape screening on the west (Ash Street) and north (Kansas Street) sides of the portable toilet, while the building itself would conceal the other two sides.
- Chair Rigoni, Commissioner David Hogan, Commissioner Lisa Hogan, and Schwarz discussed that there are companies which make cabinet enclosures or temporary partition walls which could be used in an 'L' configuration to screen the portable toilet.
- Mr. Shideler and Ms. Smith asked about moving the portable toilet to where the dumpster is currently located. The Commissioners were not receptive to the idea due to space limitations and that the other businesses along White St. would have to view the portable toilet.
- Ms. Smith said that she did not understand why having an ADA complaint

restroom was necessary now since on a temporary basis, in years past, it was not required. Commissioner Schaeffer stated that it should be investigated if this portable toilet is even required. Gruba stated that Adam Nielsen, the Village's Building Department Director, had correspondence with the State regarding this issue and the Village cannot override State requirements. Ms. Smith stated that in the correspondence, it notes construction occurring which is not accurate. Gruba stated he cannot confirm or deny if that was mentioned in the email correspondence. Chair Rigoni asked staff to research if there is a timeframe within which this permanent restroom must be constructed.

- Commissioner Knieriem asked the applicants what the timeframe is to have this use operational. The applicants stated as soon as possible. Mr. Johnson stated that it is necessary to see if this outdoor patio is economically feasible in order for Ms. Smith to sign the lease for the bowling alley. Commissioner Knieriem asked the applicants to confirm the "Genesis" fence style since it has finials or vertical elements protruding above the top. Ms. Smith said no, that they are proposing the "Majestic" style which is the same as the neighbors and does not have finials.
- Commissioner David Hogan asked the landlord to confirm that he was supportive of the request. Mr. Shideler stated that he was supportive of this use on a permanent basis since it had already occurred on a temporary basis for many years. Commissioner David Hogan asked about Health Department inspections and insurance. Ms. Smith stated that the Health Department does come out to do an inspection and that she carries her own insurance for the business which includes the outdoor patio.

Since there were no other comments or questions, Chair Rigoni provided a summary of the workshop discussion. Staff has been tasked with looking into other businesses' hours of operation for their outdoor patios and other types of similar uses, including any that have live entertainment or music. The Commissioners would like to see alterations to the portable toilet in terms of orientation and/or screening. Chair Rigoni stated that a review of the Certificate of Appropriateness by the Historic Preservation Commission is the next step for the proposal.

## **H. Public Comments**

Rigoni asked if there were public comments. There were no public comments.

## **I. Village Board and Committee Update**

There were no Village Board or Committee updates. Commissioner Lisa Hogan asked Mayor Keith Ogle if a Trustee will continue to serve as a liaison for the Plan Commission. Mayor Ogle stated Village legal counsel advised having a Trustee as a liaison for the various Commissions may pose a conflict of interest. Staff will present the Village Board and Committee updates to the Commission going forward.

## J. Other Business

Schwarz informed the Commissioners that training will be held on August 11, 2021. Commissioner Knieriem requested that a calendar invite be sent.

## K. Attendance Update

All other Commissioners present confirmed their availability for the July 8, 2021 meeting. Gruba stated that at present time, there were no cases scheduled for a public hearing and he will notify the Commissioners should the meeting be cancelled.

### **Motion (#8):** Adjournment (9:40 PM)

Motion by: Lisa Hogan

Seconded by: Knieriem

Unanimously approved by voice vote.

Approved July 22, 2021

As Presented     X    

As Amended                     

Maura A. Rigoni /s/Maura Rigoni, Chair

Janine Farrell /s/ Secretary