



## MINUTES

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

January 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
- Commissioners Absent:** David Hogan, Dan Knieriem
- Staff Present:** Planning & Economic Development Director Mike Schwarz, Senior Planner Christopher Gruba, Planner Amanda Martinez
- Elected Officials Present:** None

#### A. Approval of the Minutes from December 14<sup>th</sup>, 2023

Chair Schaeffer asked for questions or comments regarding the minutes. There were none.

**Motion (#1):** To approve the minutes from December 14<sup>th</sup>, 2023, as presented.

Motion by: James

Seconded by: Morris

Approved: (3-0, Jakubowski and Markunas abstained)

#### B. Public Hearing: 20 S. White Street – Frankfort Arts Association

Amanda Martinez presented the staff report.

The cofounder and president of the Frankfort Arts Association, Christina Cooley, approached the podium. She said that she has a signed lease for the space. She said that they have over 100 artists participating who are not just from Frankfort but from the surrounding area as well. They hope to one day move into a large studio space, but this smaller commercial space will work well for their current needs. She said that the front end of the commercial space would have a retail store and that the back end would have a creative workspace. They would create prints, pottery, woodworking among other art mediums. The artists would also be able to hold their own classes. The business would

operate between 9 am – 9 pm when artists would work, but the retail shop would not be open that entire timespan.

There were no initial questions from the Commission. Chair Schaeffer asked if anyone from the public wished to speak. There were none.

**Motion (#2):** To close the public hearing.

Motion by: Jakubowski

Seconded by: James

Approved by voice vote: (5-0)

Commissioner James said he thought the use would be great for the downtown.

Amanda Martinez asked the Commission if they had any thoughts about the proposed conditions of approval. Chair Schaeffer said that one possible condition would be to prohibit live performances, including the use of musical instruments. Commissioner James said that the use of musical instruments was also discussed for the Studio C project (at 14 Hickory Street) and supported the condition. Commissioner Markunas asked the applicant if musical instruments were intended. Ms. Cooley said that although their intended arts would be very broad, they would mostly focus on the visual arts, although it would be nice if an acoustical guitar could be played periodically. Chair Schaeffer said that she didn't want to prohibit musical instruments such as acoustical guitars. Commissioner James asked if the building is audibly insulated, because he had been in the building and had not heard bowling balls being dropped on the second floor. Commissioner Jakubowski said that she's heard bowling ball noise while being on the first floor but said that she has no concerns about acoustical guitars or a singer.

The Commission discussed the condition of requiring a 15-minute break between classes to accommodate parking space turnover. All commissioners supported this condition.

**Motion (#3):** Recommend the Village Board approve a Special Use Permit for Indoor Entertainment for an art gallery with associated art classes for the property located at 20 S. White Street, in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following condition(s):

1. The business shall implement a minimum 15-minute break in between classes to accommodate parking space turnover.

Motion by: Markunas

Seconded by: Morris

Approved: (5-0)

**C. Public Hearing (continuation from December 14, 2023): 116 & 118 Kansas Street – Petite Patate**

Amanda Martinez presented the staff report.

The applicant, Greg Baxtron, approached the podium. He said that he was born and raised in Frankfort. He started his culinary career in Chicago but has been living and working in New York City for the past 20 years. He said that he chose a French cuisine because it seemed to be missing in Frankfort. He would do brunch on weekends. He doesn't foresee the restaurant disturbing the neighborhood.

Chair Schaeffer asked if anyone from the public wished to speak. There were none.

**Motion (#4):** To close the public hearing.

Motion by: Jakubowski

Seconded by: James

Approved: (5-0)

Chair Schaeffer asked the Commission for comments. She noted that the business would be open during normal business hours. She also asked about the requirements for the trash enclosure. Amanda Martinez responded that the trash enclosure would be discussed during the following case, for the remodeling of the entire building involving several variations. Chair Schaeffer said that the impact on parking would be small. Commissioner James agreed, noting that there is public parking near the property at the northwest corner of Hickory Street and Nebraska Street. He noted that this would be the furthest west restaurant within the downtown, which helps spread out congestion from restaurant uses.

Mike Schwarz noted that the building at 2 Smith Street will be demolished, and the parking lot would be expanded and resurfaced to increase the parking available at that location.

Commissioner Jakubowski said that she's very excited that this building could be refurbished for restaurant use.

**Motion (#5):** Recommend the Village Board approve a Special Use Permit to allow a restaurant full-service, with liquor sales located at 116 and 118 Kansas Street (PIN 19-09-28-206-017-0000 and PIN 19-09-28-206-016-0000) in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: James

Seconded by: Markunas

Approved: (5-0)

**D. Public Hearing (continuation from December 14, 2023): 116 & 118 Kansas Street – Kevin Kreger**

Amanda Martinez presented the staff report.

The project architect, Chris Tokarz, approached the podium and provided a brief explanation of the project. He said that the Tudor style non-masonry addition in the rear was falling apart, and their initial plan was to demolish this addition and replace it. The owner instead decided to increase the footprint of the area beneath the rear addition very slightly with a masonry addition, to allow more usable space on the first floor. The 2<sup>nd</sup> floor of the rear addition would have a wood deck and the remainder of the 2<sup>nd</sup> floor of the building would be used for 1 residential unit and a smaller, separate office use.

Chris Tokarz said that a trash enclosure would be placed off of the back of the alley behind the building, measuring 16'x6'. It would be made of a composite fencing product. Chair Schaeffer asked if the enclosure would contain the typical roll-off style dumpsters. Chris Tokarz responded yes. He noted that half of the trash enclosure would house a commercial dumpster and the other half would house residential-style trash containers. Chair Schaeffer asked if the alley was improved. Chris Tokarz responded that the alley is not improved but resembles cobblestone.

Chair Schaeffer asked for clarification regarding the zoning. Amanda Martinez replied that a rezoning is not required. Rather, the trash enclosure will require variations, but not all the details have been received. She noted that the PC/ZBA will review variations for the trash enclosure at a future meeting.

Commissioner Markunas asked where the former commercial dumpster was located. Amanda Martinez responded that it was located on the existing concrete pad that is located completely within the existing 16' wide public alley. Chris Tokarz said that the alley used to contain a lot of debris which has since been cleared.

Chair Schaeffer first asked the commissioners for comments regarding the Special Use Permit for the vacation rental. Commissioner Markunas asked why the applicant chose to make a portion of the 2<sup>nd</sup> floor a vacation rental instead of an apartment rental or a condo unit. Don Kreger, father of Kevin Kreger, approached the podium. Mr. Kreger said that his son lives out of town much of the time, so he would only be staying at the residential unit periodically throughout the year. While out of town, he would rent out the unit on Airbnb and the remainder of the time it would be unoccupied. Commissioner Markunas asked who would be available to check on the property while it was rented out. Mr. Don Kreger said that he would be the main person keeping an eye on the property because he lives in Frankfort. He also said that there would be cameras outside of the building to allow him to monitor the number of guests coming and going. He said that Frankfort is not known for being a “party town” and that their guests would be more low-key.

Chair Schaeffer said that the rental would do very well during Bluegrass Festival.

Commissioner Markunas asked Mr. Kreger if he's reviewed and agreed to all the regulations for vacation rentals. Mr. Kreger responded yes. Commissioner Markunas said that the vacation rental appeared to be "higher end", renting for approximately \$250 per night and hosting a maximum of 4 people. Mr. Kreger concurred.

Commissioner James said that the vacation rental passed in 2021 only permits a unit to be rented out for a total of 60 days within a calendar year. He also said that the Village has the right to review the guest log as well. As such, he feels comfortable with the use.

Commissioner Morris also expressed comfort with the use.

Chair Schaeffer then asked the commission for comments regarding the four variation requests. She noted that she felt comfortable with the variations for building setbacks, since the building is from the 1800s. Commissioner Markunas noted that the building footprint would remain largely the same. Commissioner Jakubowski said that the proposed uses are almost the same as they were before when Cactus Carrol's was open as a restaurant on the ground floor and there were two residential units on the second floor.

Chair Schaeffer asked for public comment.

Resident Deborah Hardwick approached the podium. She asked for clarification about the trash dumpster location and removal. Chris Tokarz said that the trash enclosure would be made of the same fencing that is used for other enclosures within the downtown. Ms. Hardwick said that some trash enclosures are maintained downtown, while others are not. Chris Tokarz said that the commercial dumpster would be steel and have a lid. Ms. Hardwick said that sometimes commercial dumpsters are emptied at 3 am and she wants to avoid that happening here. She also noted that deliveries could be a problem if they also occur at 3 am. Commissioner Markunas asked that since the trash enclosure needs to return to the PC/ZBA in the future for variance(s), whether they could add conditions of approval at that future time. Staff replied yes. Mike Schwarz said that the Municipal Code permits trash collection between 7:00 a.m. and 10:00 p.m.

**Motion (#6):** To close the public hearing.

Motion by: Markunas

Seconded by: Jakubowski

Approved: (5-0)

**Motion (#7):** Recommend the Village Board approve a Special Use Permit to allow a vacation rental in the H-1 Historic District for the subject property located at 116 Kansas Street (PIN 19-09-28-206-017-0000) in accordance with the reviewed plans, public testimony, and Findings of Fact and subject to the following condition:

1. Compliance with Chapter 123 of the Village of Frankfort Code of Ordinances.

Motion by: James

Seconded by: Morris

Approved: (5-0)

**Motion (#8):** Recommend the Village Board approve the variation request to reduce the required rear yard setback (from the south property line) from 20 feet to 6 feet, on the property located at 116 Kansas Street (PIN 19-09-28-206-017-0000), in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Morris

Seconded by: James

Approved: (5-0)

**Motion (#9):** Recommend the Village Board approve the variation request to reduce the required interior side yard setback (from the east property line) from 5 feet to 1 foot, on the property located at 116 Kansas Street (PIN 19-09-28-206-017-0000), in accordance with the reviewed plans, public testimony and Findings of Fact.

Motion by: Jakubowski

Seconded by: Markunas

Approved: (5-0)

**Motion (#10):** Recommend the Village Board approve the variation request to reduce the required interior side yard setback (from the west property line) from 5 feet to 3 feet, on the property located at 118 Kansas Street (PIN 19-09-28-206-016-0000), in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: James

Seconded by: Jakubowski

Approved: (5-0)

**Motion (#11):** Recommend the Village Board approve the variation request to waive all required off-street parking for property located in the H-1 Historic District at 116 and 118 Kansas Street (PIN 19-09-28-206-017-0000 and 19-09-28-206-016-0000), in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Markunas

Seconded by: Morris

Approved: (5-0)

**E. Public Hearing: 20500 S. La Grange Road, Unit 2S – Pamel Montalbano Massage Therapy**

Amanda Martinez presented the staff report.

The applicant, Pamela Montalbano, approached the podium. She said that she's been practicing massage therapy for 13 years and has been sharing a space with an acupuncturist for the last 10 years. She said that she specializes more in women's health. She offers a higher quality massage which is higher cost. She does occasionally see male clients, but only with a referral. She doesn't work evenings and is finished by 6:00 p.m. She would have, at most, 6 appointments per day. She would have 30-40 minutes between clients to clean and disinfect. She does not have any employees, nor intends to in the future.

Commissioner Morris asked how she planned to advertise her business with signage. Ms. Montalbano said that there would be no signage out front, only a small sign in the back, on the rear door. There would be no neon signs or anything of the sort. She said that her business would be located upstairs and that she does not allow "walk-in" appointments. Commissioner Morris asked for an update regarding the shared parking agreement with the property owner to the south. She responded that when the Dancing Marlin is open, their business is generally closed, and vice versa. Amanda Martinez clarified that there is no formal parking agreement in place, only a recorded cross-access easement.

Commissioner James said that he did not have any concerns about parking, but he did have questions regarding the use regulations for massage establishments listed in the Zoning Ordinance. Per the code, he noted that a separate dressing room is required for each gender. Ms. Montalbano replied that clients would change separately in the 175 square-foot massage room, while she would wait outside in the waiting area and then enter with their permission. Commissioner James said that the code also requires that no massage establishment may have any doors that have locks. Ms. Montalbano said that the door to the 175 square-foot massage room would not have a lock, but that the main door into the shared waiting area would. She said that there are only 3 other tenants on the 2<sup>nd</sup> floor, who do not see clients but only use their units as office space.

Chair Schaeffer said that a business on the second floor could move out and a different one could move in that did see clients. Commissioner Morris asked if the washroom area was shared. The applicant responded yes. She said that there is no direct access between the massage room and the washroom and the only path between the two was the shared waiting area.

Commissioner James asked if there was a service sink, as required per the Zoning Ordinance. The property owner, Harry D'Ercole, approached the podium. He said that he is one of the occupants of one of the office spaces on the 2<sup>nd</sup> floor. He said that there is one sink in his unit and another sink in the common washroom, both of which would be

available to Ms. Montalbano to use if needed. He also noted that the proposed tenant space had been used for massage therapy in the past.

Chair Schaeffer asked for public comment. There was none.

**Motion (#12):** To close the public hearing.

Motion by: Jakubowski

Seconded by: James

Approved: (5-0)

**Motion (#13):** Approve an adjustment to the minimum number of required parking spaces to allow the existing 43 parking spaces on the property to serve the existing businesses and the proposed massage establishment.

Motion by: Markunas

Seconded by: James

Approved: (5-0)

**Motion (#14):** Recommend the Village Board approve a Special Use Permit for a Massage Establishment to operate in the B-4 Office District for the property located at 20500 S. LaGrange Road, Unit 2S, Frankfort, Illinois 60423 (PIN 19-09-16-400-031-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following two conditions:

1. The applicant shall comply with Zoning Ordinance Article 5, Section C, Part 11.1, Use Regulations for Massage Establishments; and
2. The applicant shall obtain a Business License.

Motion by: Morris

Seconded by: Markunas

Approved: (4-1, James voted no)

Mike Schwarz asked Commissioner James to elaborate, for the record, on his reason(s) for voting no. He replied that he was concerned about the safety of clients and that he was not comfortable with a massage therapy use that was accessible to a shared waiting area.

#### **F. Non-Public Hearing: Voorn Lawndale Plat of Subdivision**

Amanda Martinez presented the staff report.

The applicant, Justin Ozinga, approached the podium. He said that he's lived in Frankfort for 20 years and that he has 5 daughters. He wants to subdivide the land to create Lot 2 for his house. The smaller Lot 1 would be created for a separate homeowner, Mike Bilon, who also came to the podium.



Mr. Ozinga said that he chose this property to stay in the school district for his children. Also, he has a disabled brother that uses a wheelchair and that the lot location would allow his brother to get to downtown Frankfort via sidewalks that are not along busy roads.

Commissioner Markunas asked if the narrow part of the “flag lot” for Lot 2 abutting Bown Street would be paved or have a path of any kind. Mr. Ozinga replied that the narrow part of Lot 2 would be all grass but would be treelined on either side. The southernmost yard area of Lot 2 which has frontage along Bowen Street will be fenced with a gate.

Commissioner Markunas asked staff why “flag lots” were undesirable. Mike Schwarz replied that most communities, including the Village of Frankfort regulate the creation of “flag lots” via the Zoning Ordinance and/or Subdivision Regulations to avoid poorly designed neighborhoods that do not allow each lot to have an adequate amount of roadway frontage, which can be problematic for emergency access, school buses, refuse collection, etc. He provided an example of a series of flag lots in another nearby community that resulted in houses being “triple stacked” one behind the other and sharing one driveway located within the “flag” portion of the lot. In this case, there will be no vehicle access to Bowen Street from the proposed Lot 2. The only purpose of the “flag” shape is to allow frontage onto Bowen Street for pedestrian access. This may be a unique situation due to the surrounding street network. Without the proposed Lot 2 frontage along Bowen Street, the residents of the proposed Lot 2 would need to walk a significant distance around other homes along Lawndale Court and Lawndale Boulevard to reach Bowen Street to access the Downtown area. He added that if the subject property hypothetically was combined with the unincorporated parcels to the east and were to be subdivided into additional smaller lots, then there would likely be a new through street (extension of 95<sup>th</sup> Avenue) along with new public sidewalks.

Commissioner Markunas asked the applicant if they intended to have a curb cut along Bowen Street. Mr. Ozinga replied that there would be one driveway for Lot 2 along Lawndale Court and one driveway along Bowen Street for Lot 1. He said that he wanted the flag lot to be able to have a quicker walking path to downtown, by walking from his house to Bowen Street.

Commissioner James asked staff what the depth of the adjacent lots on either side are. Staff responded that the exact dimension for the depth of the adjacent lots is unknown at this time, but the north property line for Lot 1 closely aligns with the adjacent properties’ property lines.

Chair Schaeffer and Commissioner Morris both said they were comfortable with the proposed Plat.

**Motion (#15):** Recommend the Village Board approve the proposed Preliminary and Final Plat of the Voorn Lawndale Subdivision, which consolidates 39 and 49 E. Bowen Street

(PINS 19-09-22-304-012-0000 and 19-09-22-304-013-0000), subject to staff approval of any necessary technical revisions prior to recording.

Motion by: Markunas

Seconded by: Morris

Approved: (5-0)

Chair Schaeffer called for a short recess at 8:00 pm. The meeting was reconvened at 8:05 pm.

**G. Public Hearing: Village of Frankfort Zoning Ordinance Text Amendment, Accessory Structures**

Chris Gruba presented the staff report. He noted that there was little discussion at the last workshop meeting on October 26<sup>th</sup>. He said that there seemed to be consensus that residential accessory structures, including pool cabanas and similar structures with at least one open side, could be a minimum size of 250 square feet and a maximum of 1.7% of the area of the lot, not to exceed 1,000 square feet.

The commissioners generally agreed and there was little discussion.

**Motion (#16):** To close the public hearing.

Motion by: James

Seconded by: Jakubowski

Approved: (5-0)

**Motion (#17):** Recommend the Village Board approve the proposed text amendment relating to Accessory Structures, as listed in Article 5, Section D of the Zoning Ordinance.

Motion by: Morris

Seconded by: Jakubowski

Approved: (5-0)

**H. Public Hearing: Village of Frankfort Zoning Ordinance Text Amendment, Parking Regulations**

Chris Gruba presented the staff report.

Chair Schaeffer said that she liked the rationale for the text amendment, supported by data.

Commissioner Markunas asked staff how Frankfort compares to other nearby communities regarding being too strict or too lax. Chris Gruba replied that Frankfort leans toward being more conservative, or strict, with parking requirements, compared to surrounding communities. He added that he strived to maintain the current parking requirements for all uses, while making the switch from basing parking on employee counts to a calculation based upon gross floor area.

Commissioner James asked how parking would be calculated for a new large commercial PUD, such as for the Silver Cross property. Chris Gruba replied that parking would be calculated as normal, but that a PUD may provide relief from the parking requirements by granting a modification.

Mike Schwarz said that the Zoning Ordinance mentions parking adjustments, eluding perhaps that parking requirements are more of an art than a science. He agreed that calculating parking on gross floor area is much more common and a better method than using the anticipated number of employees.

**Motion (#18):** To close the public hearing.

Motion by: Jakubowski

Seconded by: James

Approved: (5-0)

**Motion (#19):** Recommend the Village Board approve the proposed text amendment relating to Off-Street Parking & Loading, as listed in Article 7, Section B, and Article 6, Section C, Part 3(g) of the Zoning Ordinance.

Motion by: Jakubowski

Seconded by: James

Approved: (5-0)

## **I. Public Comments**

There were no public comments.

## **J. Village Board & Committee Updates**

Mike Schwarz noted that there were no Plan Commission/Zoning Board of Appeals matters on the December 18<sup>th</sup> Village Board agenda.

## **K. Other Business**

Chris Gruba said he learned that Abri Credit Union was seeking to construct a new building along S. La Grange Road in Mokena but that the project did not go through. As such, Abri would remain in Frankfort in their current location in the Vineyards of Frankfort plaza.

## **L. Attendance Confirmation (January 25<sup>th</sup>, 2024)**


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

**Motion (#20):** Adjournment 8:47 P.M.

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

Approved January 25<sup>th</sup>, 2024

As Presented  As Amended

 /s/ Nichole Schaeffer, Chair

 /s/ Secretary