



**MINUTES  
MEETING OF VILLAGE OF FRANKFORT  
PLAN COMMISSION / ZONING BOARD OF APPEALS  
JANUARY 13, 2022–VILLAGE ADMINISTRATION BUILDING  
432 W. NEBRASKA STREET**

**Call to Order:** Chair Rigoni called the meeting to order at 6:31 P.M.

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

**Commissioners Absent:** Lisa Hogan and Ken Guevara

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

**Elected Officials Present:** None

Chair Rigoni provided an overview of the meeting process and swore in members of the public who wished to speak.

**A. Approval of the Minutes from December 9, 2021**

**Motion (#1):** Approval of the minutes, as presented, from December 9, 2021

Motion by: Knieriem                      Seconded by: Markunas

Approved: (5 to 0)

**B. Public Hearing: 22791 S. Challenger Road**

Chair Rigoni introduced the case. The applicant, Jeff Graefen, is requesting a special use for outdoor storage and a Plat of Resubdivision to combine Lots 10, 11 and 21 within the Fey-Graefen Industrial Park Phase 1.

Gruba presented the case. Summarized, he stated:

- Millennium was originally approved on May 3, 2021, by the Village Board. Millennium is a boring pipe supplier. A special use and a Final Plat to combine lots 10 and 21 were approved at that time.
- This work has mostly been completed and the building is built.
- The request now is to add an additional one-acre lot (Lot 11) for outdoor storage for a total of two acres of outdoor storage.
- The site plan for Lots 10 and 21 will not be changing much, including the building.
- The updated landscape plan complies with the Landscape Ordinance.

- Outdoor screening will be the same as before, an 8 ft. tall cyclone fence with black, opaque slats and street trees.
- Per Robinson's review and the Site Plan, back-to-back 17.5 ft. drainage and utility easements run down the middle of the site. There is also an existing underground storm sewer beneath.
- With the addition of Lot 11, a 73 ft. wide Overland Flow Easement was also required on Lot 10. Robinson recommends that nothing be stored in both easements to keep drainage clear. The Final Plat notes that the 73 ft. wide overland flow easement will be "granted to the VOF". Staff and Robinson recommend that the wording be changed slightly to make it clear that the Village is not responsible for maintaining this easement. This can be a condition of approval.
- Site complies with impervious coverage and all other Zoning Ordinance requirements.
- The site plan illustrates a trash enclosure, but there are no details of the enclosure. The Zoning Ordinance states that it should be generally compatible with the building design. The Commission may want to add a condition that the dumpster enclosure shall be masonry as opposed to corrugated metal.
- The former conditions of approval the first time were: Final Engineering approval and rooftop mechanical screening which were completed. The architectural banding was not installed on the building and Mr. Graefen provided a letter of explanation in the packet. In addition to the required street trees, there should be an additional four evergreen trees per the minutes from that previous meeting.

Chair Rigoni asked if the applicant was present and wished to speak. Joe Parrish with Graefen Development introduced himself but did not have anything to add.

Chair Rigoni asked if there were any initial questions from the Commission. There were none.

Chair Rigoni asked if there was anyone from the public who wished to speak. There were no public comments and the public hearing was closed.

During Commissioner discussion:

- Commissioner Knieriem clarified with Gruba that additional landscaping was originally required but not installed. Chair Rigoni stated that since there is outdoor storage along the right of way, the trees should be staggered to provide screening. Commissioner Knieriem requested that additional evergreen trees be provided since another lot is going to be combined with the site. The Commissioners agreed that this should be added as a condition of approval.
- Commissioner Knieriem asked about the banding block that was not installed on the building. Mr. Parrish clarified that a strip of the building will be stained when weather permits. The Commissioners agreed to add this as a condition of approval.
- Commissioner Knieriem asked about the swale, the underground piping and manholes on the site. Gruba clarified that the asphalt swale currently exists between Lots 10 & 21, plus underground piping to increase stormwater

capacity, and off-site manholes. Mr. Parrish confirmed that the new drainage swale added along the west side of Lot 11 will be grass.

- Commissioner Markunas requested that approval be conditioned with additional landscaping to be added and the banding on the structure corrected.
- Chair Rigoni asked about the trash enclosure. Gruba confirmed that no details were received. Mr. Parrish stated that there were two options: a fenced enclosure or a brick enclosure with a gate. With direction by Schwarz, the Commissioners agreed to add this as a condition of approval to the special use.
- Commissioner Schaeffer agreed with the previous comments and requested that the dedication of the drainage easement language be clarified on the Final Plat.
- Commissioner Hogan had nothing additional to add.

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

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

**Motion (#3):** Motion to recommend the Village Board approve the Final Plat for Millennium-Kyle Holdings, consolidating lots 10, 11 & 21 (22790 S. Citation Road, 22812 S. Citation and 22791 S. Challenger Road) in the Fey-Graefen Subdivision, in accordance with the reviewed plans and public testimony, conditioned on final engineering approval.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

**Motion (#4):** Motion to recommend the Village Board approve a Special Use Permit for outdoor storage in conjunction with a 12,209 square foot industrial building on the properties located at 22791 S. Challenger, 22790 S. Citation and 22812 S. Citation, in accordance with the reviewed plans and public testimony, conditioned on final engineering approval, providing architectural banding on the front and sides of the building, screening the rooftop (or ground-mounted) mechanical units from view, a masonry trash enclosure be provided, and a minimum of six additional evergreen trees be added along the Citation Rd. frontage.

Motion by: Knieriem

Seconded by: Markunas

Approved: (5 to 0)

### **C. Public Hearing: 22265 S. 80th Ave.**

Chair Rigoni introduced the case. The applicant, Chelsea Intermediate School, is requesting a special use for institutional use to allow a school addition, a variation to permit cyclone fencing in a residential zone district, and a Plat of Resubdivision to combine two parcels into one lot.

Gruba presented the case. Summarized, he stated:

- A workshop for the school addition, including the special use, variation

request, and Final Plat was held on November 18, 2021.

- The special use request is for the school addition only.
- The variation request is for cyclone fencing in a residential zone. There is an existing chain-link fence around the track, but it will be entirely removed and replaced in the new track location. The school is willing to vinyl-coat the fence black.
- The Final Plat request is for the lot combination.
- Since the workshop, the plans have not changed much. A landscape plan was submitted which complies with Code. We now have information about the material and height of the rooftop unit screening, which will match the height of the rooftop units.
- Everything else complies with the Zoning Ordinance requirements, including lot coverage, impervious coverage, building setbacks for the addition, building height, parking, etc.
- The Final Plat illustrates new stormwater detention and watermain easements.
- The new building materials are proposed to match the existing.
- Eight new mechanical units total will be installed and will be minimally visible with the new screening proposed.

Chair Rigoni asked if the applicant was present and wished to speak. Kate Ambrosini and Lindsay Taylor introduced themselves. Ms. Taylor stated that there will be only six mechanical units added instead of eight. The two in the central portion may be installed at a later date but would be screened.

Chair Rigoni asked if there were any initial questions from the Commission:

- Commissioner Schaeffer asked about the tree removal and the artificial turf proposed in the detention area. Ms. Taylor was unsure if artificial turf was going to be used, but that the plans shown were the latest version. There was discussion between the Commissioners, staff, and the applicants that this was likely a typographical error and artificial turf is typically never used in detention areas. The Commissioners agreed to add as a condition of approval that natural, native plantings be used in the detention areas.

Chair Rigoni asked if there was anyone from the public who wished to speak. There were no public comments and the public hearing was closed.

During Commissioner discussion:

- Chair Rigoni requested that building material samples be provided to staff so that staff can confirm that the proposed materials will match the existing structure. Ms. Taylor stated that the brick which was used on the north side on the screen wall will be used for this addition.
- Commissioner Schaeffer asked if the gate will match the decorative fence on the site. Ms. Taylor and Ms. Ambrosini confirmed that the swing gate and the fence are not new, they will just be relocated to accommodate the new addition.

**Motion (#5):** Motion to close the public hearing.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

**Motion (#6):** Motion to recommend the Village Board approve a Special Use Permit for a school addition on the property located at 22265 S. 80th Ave, in accordance with the reviewed plans and public testimony, conditioned on final engineering approval, screening the rooftop mechanical units from view, replacing any preservation trees lost as part of the site work, and the detention areas shall be planted with natural, native plantings.

Motion by: Markunas

Seconded by: Schaeffer

Approved: (5 to 0)

**Motion (#7):** Motion to recommend the Village Board approve a variation for 4 ft. tall cyclone (chain-link) fence around the perimeter of the athletic track, for the property located at 22265 S. 80th Ave, conditioned upon the fence being black, vinyl-coated, in accordance with the reviewed plans and public testimony.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

**Motion (#8):** Motion to recommend the Village Board approve a Final Plat of Subdivision for Chelsea Intermediate School, consolidating two existing parcels, in accordance with the reviewed plans and public testimony, conditioned on final engineering approval.

Motion by: Markunas

Seconded by: Schaeffer

Approved: (5 to 0)

#### **D. Public Hearing: 20499 S. La Grange Road**

Chair Rigoni introduced the case. The applicant, Nancy Tong, is requesting a special use for a massage establishment.

Gruba presented the case. Summarized, he stated:

- The site is located within the Vineyards of Frankfort Plaza, adjacent to the existing Nail Salon which is managed by the applicant.
- There are no exterior changes.
- The business will operate from 10 am – 8 pm, within normal business hours.
- The floorplan shows two massage rooms, but the business plan mentions three to four so the applicant can clarify exactly how many.
- There would be a max of two employees at any one time. The applicant stated that these are chiropractors, but they may actually be licensed massage therapists. Ms. Tong provided her IL state massage license.

- The Vineyards of Frankfort is currently overparked by Code, but in reality, is under-utilized, except for on Friday and Saturday nights. 167 spaces are currently provided and 224 spaces are required per Code, not including the proposed massage. With the proposed massage establishment, 235 spaces would be required. There is a shared cross-access and shared parking agreement with Alsip which adds an extra 286 spaces. The gate between Alsip and Vineyards is closed when Alsip closes.

Commissioner Knieriem asked Gruba who the previous tenant was in the space. The Commissioners responded that it was a popcorn store.

Chair Rigoni asked if the applicant was present and wished to speak. The applicant, Nancy Tong, and her associates, Eve and Ling Huang, approached the podium.

Chair Rigoni asked if there were any initial questions from the Commission:

- Chair Rigoni asked if the employees were chiropractors or massage therapists. The applicants responded that they were massage therapists.

Chair Rigoni asked if there was anyone from the public who wished to speak. There were no public comments and the public hearing was closed.

During Commissioner discussion:

- Gruba and Chair Rigoni asked the applicants to clarify the number of employees and treatment rooms. The applicants responded that there will be two rooms and three employees.
- Commissioner Markunas confirmed with the applicants that the hours of operation will be Tuesday through Saturday from 10:00 am – 8:00 pm.
- The Commissioners discussed Enrico's hours of operation and noted that parking is typically concentrated in that corner of the plaza, away from the proposed massage establishment.

**Motion (#9):** Motion to close the public hearing.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

**Motion (#10):** Motion to recommend the Village Board approve a special use for a massage establishment at 20499 S. La Grange Road, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Schaeffer

Seconded by: Markunas

Approved: (5 to 0)

#### **E. Workshop: Village of Frankfort Zoning Ordinance Text Amendment – Accessory Uses & Structures**

Chair Rigoni introduced the workshop, noting that this is the second workshop for this topic.

Gruba presented. Summarized, he stated:

- On September 20, 2021, the Committee of the Whole directed staff to draft a text amendment for accessory structures.
- There has been discussion over the past year whether the 144 sq. ft. maximum size limitation is too small. Staff found that there are also conflicting, vague or silent regulations.
- Most of the substance regarding accessory structures is staying the same, but the affected parts of the Zoning Ordinance would be: Article 1, Section I; Article 5, Sections B, C, and D; and Article 12.
- The Plan Commission comments from the December 9th workshop were incorporated into the latest documents.
- Regulations staying the same: Swimming Pool, Fence, and Home Occupations.
- Things that are changing: the 144 sq. ft. limitation on size, height for farm buildings, and listing accessory structures by name.
- Things that further regulate accessory structure size: lot coverage, impervious coverage, setbacks, and separation from other accessory structures and primary structures. Two new provisions are that no accessory structure size shall be larger than the footprint of house and that the total gross floor area of all accessory structures shall not exceed footprint of house.
- Other accessory structure changes: A/C units, generators and pool equipment would be specifically listed as accessory structures, have to meet setbacks, lot area, impervious coverage, etc.
- The current sports courts regulations were read.
- Proposed regulations for sports courts:
  1. Special use in the residential zoning districts only
  2. One permitted per residential lot
  3. Size shall not exceed 3% of the area of the lot, but in no instance shall a sports court exceed 1,000 square feet
  4. Located in the rear yard only
  5. Set back at least 10 ft. from any side or rear property line
  6. Counts toward the maximum total impervious coverage of the lot
  7. Be screened from view using the same methods as required for pool screening
  8. Not illuminated
  9. No more than one goal permitted
  10. No appurtenances shall exceed 15 ft. tall

During Commissioner discussion:

- Commissioners discussed how to best approach this topic due to the volume of information. They agreed to look at accessory structures and sports courts first since those are the most common requests.
- Gruba confirmed that the current major concerns are sports courts and accessory structures like pool cabanas/pergolas.
- Sports courts:
  - The Commissioners noted that the Board may have a different opinion on what the appropriate size should be for sports courts. They expressed concern about putting in substantial work on the text amendments only to have the Board deny them. Schwarz stated that each Board or



- Commission should function independently and that the Board values the Commission's opinion but is the final decision-making authority.
- Commissioner Knieriem stated that practical measurements, like 5 ft. beyond the perimeter of the three-point line, should be used to determine the appropriate sports court size.
  - The Commissioners discussed using a youth court size as opposed to NBA court size. Gruba displayed a diagram illustrating the dimensions of a collegiate size court. Commissioner Hogan confirmed that a collegiate court is the same size for a high school court. The Commissioners determined that with an extra 5 ft. surrounding the three-point line, the court dimensions would be about 50 ft. by 26 ft. or 1,300 sq. ft.
  - Gruba confirmed that the sports court would count towards impervious lot coverage.
  - The Commissioners discussed that if sports courts were made a special use, then why include size standards. The Commissioners agreed that there should be guidelines on the size, like the aforementioned 1,300 sq. ft., but no specific size limitation codified.
  - The Commissioners discussed hockey rinks and temporary courts or sporting uses and if the proposed regulations should apply to temporary courts.
  - Recommendations for sports courts:
    - #1 and #3 of the proposed regulations to be changed/amended
    - 650 sq. ft. or less in size permitted by right
    - 651 sq. ft. and above requires a special use
    - Amend the Use Table language for the sports courts
    - Include within the cumulative total of accessory structures/uses permitted, but amend the list to exclude AC units, generators, etc.
    - Count towards impervious coverage but not lot coverage
  - The Commission requested that staff communicate to the Board the status of the proposed sports courts regulations and that a cap on the cumulative total of all accessory uses/structures is proposed. The Commission also requested that staff reaffirm to the Board that the two outstanding sports courts applied under the current regulations and these revisions do not apply to those requests.
  - Sheds/Pergolas/Pool Cabanas:
    - The Commissioners and staff discussed the difference between sheds and other types of structures like pergolas, cabanas, workshops, and garages.
    - Chair Rigoni noted that variation requests for an increase in shed size are not common.
    - Recommendations for sheds/pergolas/pool cabanas:
      - Separate pergola/cabana/arbor/trellis type structures from sheds
      - Maximum size of 250 sq. ft. for pergola/cabana/arbor/trellis type structures
      - Sheds remain unchanged from the 144 sq. ft. maximum size permitted
      - Height maximum remains unchanged at 15 ft.
      - Ensure the language is clear that they count towards lot



coverage

- The Commissioners requested a smaller packet broken down by topics for the accessory structure text amendments.
- There was discussion about Commissioners providing notes to staff and then including everyone's notes in the packets. The Commissioners generally agreed this was not necessary.
- Chair Rigoni requested that staff ensure the provision which limits the width of the driveway to the width of the garage remains unchanged. Pg. 44 removes this wording, but staff will ensure the requirement is still maintained elsewhere in the Code.
- The Commissioners discussed other types of accessory structures and uses like greenhouses, backyard offices, and trash enclosures, noting that these could become issues in the future.
- The Commissioners requested one more workshop to review the text amendments before the public hearing.
- Commissioner Knieriem, Chair Rigoni, and staff discussed "best practices" and researching other communities on how they regulate accessory structures and uses. It was noted that this is not foolproof since variations can be requested which are not reflected in the Code and each municipality handles this topic differently.

#### **F. Other Business (out of order from agenda)**

##### **2021 Year End Review**

Farrell presented the report on the Commission's activity for year ending 2021:

- Goals for annual report are to reflect upon what occurred the past year, celebrate successes and new developments, review common or repeat requests in order to identify potential issues with the Zoning Ordinance and possibility for text amendments, and to evaluate patterns or trends over time.
- Variations and special uses were the most common requests in 2021.
- Within variations, building materials and accessory structure size were the most common requests. The Commission is currently working on addressing accessory structure size.
- Within special uses, indoor recreation/entertainment and massage establishments were the two most common requests. Staff is currently investigating potential amendments to separate the indoor and outdoor recreation/entertainment uses. The Commission may want to evaluate if a special use is necessary since all six requests were approved.

During Commissioner discussion:

- Commissioner Knieriem asked what the indoor recreation/entertainment uses were last year. The Commissioners and staff listed the businesses and noted they were all recreation type uses. Chair Rigoni stated that typically those uses require a special use for hours of operation since they open early.
- Commissioner Knieriem questioned why a special use is required for massage establishments. Chair Rigoni stated it was history for that type of business in the Village. Schwarz noted that many uses which do not appear zoning related still require a special use due to the nature of the business.

- Chair Rigoni stated that when a business license comes in for a use that is permitted, parking may not be calculated or parking issues may go unnoticed. If a special use is required, parking can be evaluated more closely.
- The Commissioners agreed that there were no other changes to be undertaken at this time besides the accessory structures/uses provisions.

**G. Village Board & Committee Updates (out of order from agenda)**

Schwarz noted that the Nebraska Pines Final Plat and associated variations were approved on December 20<sup>th</sup>. At the Committee of the Whole meeting on Wednesday, gas station and menu board signage regulations were discussed as well as the indoor/outdoor recreation/entertainment text amendments.

Schwarz noted that this was the last meeting for Farrell and thanked her for her service.

**H. Public Comments (out of order from agenda) – None.**

**I. Attendance Confirmation (January 27, 2022)**

Chair Rigoni asked the Commissioners to notify staff if they will not be in attendance.

**Motion (#11):** Adjournment 9:11 P.M.

Motion by: Knieriem                      Seconded by: Markunas

Unanimously approved by voice vote.

Approved January 27, 2022

As Presented   X   As Amended       

Maura A. Rigoni /s/Maura Rigoni, Chair

Christy J. Smith s/ Secretary