



## MINUTES

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

January 25, 2024 –VILLAGE ADMINISTRATION BUILDING

432 W. NEBRASKA STREET

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

#### A. Approval of the Minutes from January 11<sup>th</sup>, 2024

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

**Motion (#1):** To approve the minutes from January 11<sup>th</sup>, 2024, as presented.

Motion by: Jakubowski

Seconded by: James

Approved: (5-0, Hogan & Knieriem abstained)

#### B. Public Hearing: Dunkin' Commercial Multi-Tenant Building

Mike Schwarz presented the staff report and noted several corrections. The square footage stated at the bottom of Page 1 should be changed be 8,570 net square feet. On the next line down, the sentence should read “would include five (previously four) tenant spaces. On Page 4, the opening hours should be 4:00 a.m. Lastly, on Page 5, in the fourth paragraph, a minimum of 72 spaces would be required.

The Eric Carlson project architect and the Krupa Shah, the applicant/franchisee approached the podium to introduce themselves and share their background.

The project architect added that this project came about because the franchisee is trying to move her business from the current Dunkin' location at 20551 S. La Grange Road. The

reason the applicant added a fifth tenant space to the proposed building since the workshop meeting is because there is probably not a market for a tenant space larger than 1,500 square feet. Tropical Smoothie Café isn't contracted yet but they contacted the applicant requesting a smaller space. Regarding signage, the applicant wants flexibility for any tenant that has a long name i.e. "Tropical Smoothie Café" so the applicant is seeking approval of a smaller size for the lettering (7-inch). The three retaining walls changed since the workshop meeting since the engineers are working together on the grade change between the subject site and the adjacent property. The corner by the pond has the tallest portion of retaining wall and will not be visible from right-of-way.

Commissioner Hogan thanked the applicant for taking feedback from the workshop meeting and applying it to the proposed plans. He stated most of his questions were about retaining walls, which the project architect already answered.

Commissioner Morris asked if the client considering readability when they are requesting a smaller letter size. He asked if that would force tenants to shorten their name of the business.

The project architect responded that he measured multiple signs from strip centers and noticed that a lot of them have 5-inch or 6-inch letter size.

Commissioner James asked if the applicant is ok with the condition about moving the sign location to meet the required setback.

Mike Schwarz responded that he may have miscalculated the sign setback, the sign cannot be in the landscape setback area, but he will double check if it is compliant or not before the architect moves the sign location.

Commissioner Knieriem asked what block material would be used to construct the retaining wall.

The project architect responded that it would be stacked block.

Commissioner Knieriem responded that he is ok with that material because it is in the southeast corner which is less visible.

There was general discussion about the need for the two landscape islands on the outer edge of the drive-through lanes, and there was a consensus to keep them depicted on the proposed plans.

Commissioner Knieriem mentioned that the proposed multiple heights of the lettering on the monument sign and the orange lettering is not appealing.

There was discussion about when the applicant would like to break ground.

There was a consensus that the proposed use, hours of operation, and drive-through special use were all agreeable.

Chair Schaeffer asked if any Commissioners had comments about parking.

Commissioner Markunas asked how many employees are present during peak hours at the existing Dunkin' location. He stated he has no issue with the provided parking but would like to know for reference.

The applicant/franchisee responded that 6 employees are present during peak hours.

There was general discussion about potentially connecting the subject site and the adjacent Vineyards property by implementing a sidewalk between the two, closer to the storefront than the public sidewalk.

Mike Schwarz responded that it would be best to just use the public sidewalk given that there is a significant grade change in the area where the storefront sidewalk potentially would be extended south. Such a connection at this point also would be located at the rear of The Vineyards building, where the existing trash containers are located.

Chair Schaeffer asked if any Commissioners had comments about the outdoor seating Special Use request.

There was a consensus that the two proposed outdoor seating area locations were fine.

Commissioner Markunas stated that the umbrella color should be neutral, rather than orange.

Commissioner Jakubowski stated that the tables and chairs would be more appealing in black to match the building's awnings.

The project architect responded that black furniture gets hot in the sun. The fence location, style, and height is correct as proposed but there will be a revision to add bollards rather than the currently proposed posts.

There was a consensus that the bollards rather than posts were fine.

Chair Schaeffer asked if any Commissioners had comments about the tree preservation plan. She added that it sounds like the applicant is compliant by providing a 1 for 1 replacement.

There was a consensus that the 1 for 1 ratio was fine for the applicant's tree preservation plan.

Mike Schwarz mentioned that the Village Landscaping Regulations requires parkway trees, but IDOT may not allow the parkway trees in their right-of-way. He added that he would work with the applicant to provide parkway trees on-site rather than in IDOT's right-of-way.

Chair Schaeffer asked if any Commissioners had comments about the proposed architecture. She asked if the applicant could confirm that the rope lighting will be hidden behind the canopy and that the brick is full dimensional brick.

The project architect responded that the rope light is pushed against the building and the rope light is super thin hidden in between the metal canopy, so it would not be visible. He confirmed the brick is full dimensional brick and provided samples of the proposed brick and the stone accent material.

Mike Schwarz noted that the Frankfort Fire Protection District is looking to add a new Fire Code amendment related to firefighter safety and rooftop access. He explained that the new requirement would limit the height dimension between the deck of the roof and the top of the parapet to 42 inches. Currently the Building Elevations do not depict or note the necessary rooftop mechanical equipment, but such rooftop mechanical equipment must be screened while still meeting the proposed Fire District requirement. The project architect will need to carefully select lower profile equipment or come up with an alternative roof deck design that meets both the Village and Fire District requirements.

The project architect responded that roof screens are expensive, so an idea would be to design an additional platform on the roof.

Chair Schaeffer asked if any Commissioners had comments about signage. She stated that instead of measuring the setback of the monument sign on the spot, she recommends adding a condition that generally states it must comply with the setback requirement.

Commissioner Jakubowski stated that she thinks the tenants need to have the same size lettering.

Commissioner James stated that he is ok with the monument sign since it matches the signage on the building.

Commissioner Markunas stated that he does not often see sign variations, so he thinks the Commission should hold to the required lettering size. He added that the purpose of the Code is to ensure that every tenant does not have signage on the monument sign.

There was discussion about how there are not many signs around town that list all tenants of a plaza on a monument sign.

Commissioner James stated that it is tricky because there are businesses on LaGrange Road that were approved as Planned Unit Developments (PUDs) and there are smaller businesses complying with the lettering size requirement.

Commissioner Hogan stated that he thinks that since the Commission hasn't historically deviated, the 12-inch minimum lettering size requirement should be maintained. He added that his comment was strictly regarding the lettering, but he is ok with the size of the sign itself.

There was a consensus to split up the sign motion to vote separately on the size of the free-standing sign and the lettering on the sign.

Commissioner Morris asked if it was allowable to use two lines of text for a single tenant if signage was only allowed on one line.

Mike Schwarz responded yes, two lines of text for one tenant would be permitted subject to the minimum text height requirement.

Chair Schaeffer asked the public for comments.

Taylor Broman, a resident, approached the podium and mentioned that just north of the subject property is the O'Reilly's Auto Parts building which has a similar sized sign with not all tenants listed.

Chair Schaeffer thanked the resident for the reference and noted that at the workshop meeting the Commission reviewed several other comparable signs that are located on LaGrange Road.

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

Motion by: Jakubowski

Seconded by: Morris

Approved by voice vote: (7-0)

**Motion (#3):** Approve a waiver of the required travel lane (cross-access with the adjacent property to the south) under Article 7, Part 4(c) of the Zoning Ordinance.

Motion by: James

Seconded by: Jakubowski

Approved: (7-0)

**Motion (#4):** Approve three (3) retaining walls which exceed 50 feet in length and exceed 2.5 feet in height per the submitted plans, pursuant to Sections 4.03E(13) and 4.03E(15) of the Village of Frankfort Design Standards.

Motion by: Markunas

Seconded by: Morris

Approved: (7-0)

**Motion (#5):** Recommend that the Village Board approve the request for a Special Use Permit for a carry out restaurant (for the Dunkin' restaurant) for the property located in the B-2 Community Business District, on the east side of La Grange Road, south of St. Francis Road (PIN 19-09-15-301-034-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, and additionally subject to the following conditions:

1. Subject to the Village Engineer's approval of the Final Engineering Plans.
2. Subject to the Village Board's approval of the pending Text Amendment to the Zoning Ordinance pertaining to parking regulations (removal of the employee count component of the calculation).
3. If necessary, prior to Village Board consideration, the Site Plan shall be revised to comply with the required minimum 25-foot setback requirement (Section 151.041(B)(1)(b) of the Village of Frankfort Municipal Code). Additionally, the Landscape Plan shall be revised to reflect the required landscaping around the base of the free-standing sign (Section 151.041(B)(1)(b) of the Village of Frankfort Municipal Code).

Motion by: Markunas

Seconded by: Jakubowski

Approved: (7-0)

**Motion (#6):** Recommend that the Village Board approve the request for a Special Use Permit for drive-up service windows associated with a permitted use (for the Dunkin' restaurant), for a property located in the B-2 Community Business District, on the east side of La Grange Road, south of St. Francis Road (PIN 19-09-15-301-034-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, and additionally subject to the following conditions:

1. Subject to the Village Engineer's approval of the Final Engineering Plans.

Motion by: James

Seconded by: Jakubowski

Approved: (7-0)

**Motion (#7):** Recommend that the Village Board approve the request for a Special Use Permit for outdoor seating associated with a permitted restaurant (for the Dunkin' restaurant) for a property located in the B-2 Community Business District, on the east side of La Grange Road, south of St. Francis Road (PIN 19-09-15-301-034-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, and additionally subject to the following conditions:

1. Subject to the Village Engineer's approval of the Final Engineering Plans.
2. There shall be no advertising on the patio umbrellas or any other patio furniture.
3. The Special Use Permit for outdoor seating is only valid for those areas depicted on the Site Plan and per the patio furniture details for the proposed Dunkin' restaurant. Any future restaurant on the subject property which may propose patio furniture which is different from the Dunkin' patio furniture details, shall submit patio furniture details for review and approval by Village staff.
4. Subject to earth tone, neutral, beige, or tan colored umbrellas.

Motion by: Markunas

Seconded by: Morris

Approved: (5-0)

**Motion (#8):** Recommend that the Village Board approve the request for a Special Use Permit for extended hours of operation (for the Dunkin' restaurant opening at 4:00 a.m.) for a property located in the B-2 Community Business District, on the east side of La Grange Road, south of St. Francis Road (PIN 19-09-15-301-034-0000), in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Jakubowski

Seconded by: James

Approved: (7-0)

**Motion (#9):** Recommend that the Village Board approve the request for a Variation from Section 151.041(B)(1)(h) of the Frankfort Municipal Code to allow a free-standing sign to exceed the maximum permitted area of 15 square feet (37.5 square feet proposed), for a property located in the B-2 Community Business District located on the east side of La Grange Road, south of St. Francis Road (PIN 19-09-15-301-034-0000), in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Jakubowski

Seconded by: Markunas

Approved: (7-0)

**Motion (#10):** Recommend that the Village Board approve the request for a Variation from Section 151.041(B)(1)(i) of the Frankfort Municipal Code to allow a free-standing sign to exceed the minimum height of the text on a free-standing sign to be less than 12 inches (7 inches minimum proposed), for a property located in the B-2 Community Business District, on the east side of La Grange Road, south of St. Francis Road (PIN 19-09-15-301-034-0000), in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Knieriem

Seconded by: Morris

Approved: (5-2)

Chair Schaeffer called for a short recess at 8:25 pm. The meeting was reconvened at 8:31 pm.

**C. Public Hearing: 39 & 49 E. Bowen Street – Chicago Title Land Trust Company Trust No. 8002380636**

Amanda Martinez presented the staff report.

The applicant, Steve Lecas, approached the podium. He said that the Zoning Ordinance regulations should not be applicable to the proposed house. He said that some of the sections of walls longer than 35' are recessed behind a covered porch. He said that the walls on the north and south sides of the house would have four sets of 9' high windows, and four 8"x8" posts, which break up the look of those walls.

There was some discussion and disagreement between staff and Mr. Lecas about the square footage of the home. Staff mentioned that the square footage of the home is a result of the 1<sup>st</sup> floor, 2<sup>nd</sup> floor, and basement. Chair Schaeffer said that the square footage wasn't entirely pertinent to the wall length variation request. Mr. Lecas disagreed, saying that he didn't want people to think that he wanted to build a 10,000 square foot home.

Commissioner Hogan asked if the windows or doors counted toward breaking up the 35' sections of wall, thereby negating the requirement for a variation. Amanda Martinez replied that, upon discussion with the Building Department, walls and doors do not count toward breaking up the length of a wall.

Commissioner Schaeffer asked the public for comments.

Lisa Slattery, who lives at 42 E. Bowen Street, approached the podium. She said that the proposed house is beautiful, but her main concern is the issue of flooding in her backyard. She said that this flooding has become worse over time and is concerned that the construction of this large house would exacerbate the flooding. She said that the drainage swales installed by the Village in the area do not collect any water. She said that the berms that were created by the Village in Prairie Park have also contributed to flooding on her property. She said that she's discussed this with Terry Kestel, who has been very nice, but that the problem persists.

Chair Schaeffer asked staff if they could elaborate on stormwater in this area. Mike Schwarz said that the current topic before the Commission is the variation request, but that he would bring this to the attention of the Village's Public Works Department and Consulting Engineer. Ms. Slattery responded that it was the Village's engineer that decided that the swales were needed in the first place, which do not function as intended. Chair Schaeffer said that Ms. Slattery's comments would be included on the record and that staff would follow up on her concerns.



Resident Brett Fickes approached the podium and said that he supports the project.

Resident Taylor Broman approached the podium. She said that she lives across the street and has no issue with the proposed new house. She said that this would be a good time to focus on drainage issues because the sump pump in her house runs constantly.

There was no other public comment.

**Motion (#11):** To close the public hearing.

Motion by: Jakubowski

Seconded by: James

Approved: (7-0)

Commissioner Knieriem believed that the 35' maximum wall length regulation doesn't apply to the house mostly because of the scale of the house. If the house were smaller, such as the size of a trailer, it would make sense. He said that the proposed house meets building setbacks. Commissioner James agreed that the variation was reasonable because of the scale of the house relative to the lot size.

Chair Schaeffer asked staff if shifting the house to the east would still allow the house to comply with building setback regulations. Amanda Martinez responded yes, and that it meets the minimum 10' side yard setback.

**Motion (#12):** Recommend that the Village Board approve the request for a variation to allow more than two (2) uninterrupted wall lengths of thirty-five (35) feet or greater along any façade of a primary structure, and to exceed the required maximum thirty-five (35) foot length of an uninterrupted wall facing a public right-of-way, for the property located in the R-2, Single Family Residential District at 39 and 49 E. Bowen Street, Frankfort, Illinois (PIN: 1909223040120000 and PIN: 1909223040130000), in accordance with the submitted plans, public testimony, and Findings of Fact, and additionally, subject to engineering and Building Permit review.

Motion by: Jakubowski

Seconded by: Morris

Approved: (7-0)

#### **D. Workshop: Abbey Woods North**

Christopher Gruba presented the staff report.

The property owner Steve Beemsterboer, the developer Shawn O'Malley, and the Project Engineer Brian Hertz approached the podium.

Steve Beemsterboer stated his condolences for the loss of former member Paula Wallrich.

Steve Beemsterboer described the proposed swale along the shared property line with the Fleck property. He added that this solution helps both properties. He stated that Shawn is a high-quality builder and he wants to do development we can all be proud of. This should be a welcome addition to Frankfort.

Shawn O'Malley explained the need to gravity feed the site toward St. Francis Road. He stated that the reason for the swale is that there is a large drainage area that comes across both properties from St. Francis Road toward Hickory Creek.

Brian Hertz stated that roughly 60 acres on the north side of St. Francis Road and another roughly 60 acres to the east of the property drain through the two properties toward Hickory Creek.

Shawn O'Malley stated that this existing drainage is what creates the need for the large swale. He stated that he created an exhibit with photos regarding the proposed retaining walls and he distributed paper copies to the Commission. He described each photo example to illustrate that the form-liner retaining walls will be extremely durable.

Commissioner Knieriem stated that he appreciated the details on the retaining walls but doesn't think there are any issues as far as the Commission member are concerned.

Commissioner Markunas asked if the walls will have tie-backs.

Brian Hertz replied probably not.

Chair Schaeffer stated that this is a workshop and we can go through each part of the staff report and take questions or comments from the Commission as we go.

Shawn O'Malley stated that they are almost through final engineering. The review process has been very painful.

There was consensus among the Commission members that there are some land hardships with respect to the lot widths.

Commissioner James asked if there was a possibility of shifting any lots to meet the lot width requirement. The developer only would need about 14 feet.

Shawn O'Malley replied that the street stub location is set after several rounds of engineering review, and they really can't meet those lot width requirements on those few lots. He stated that really only Lot 14 has a the tight back yard. He has no issue with that lot or the corner lots being restricted to not requesting any future variations.

Chair Schaeffer asked for any comments on spacing of the light poles.

There was consensus among the Commission members that the light pole spacing is fine.

Chair Schaeffer asked for any comments on the length of the cul-de-sac.

Shawn O'Malley stated that he wonders if this Code section applies due to the stub street breaking up the cul-de-sac street length.

Chris Gruba stated that the connection to the west may never be made, so it should apply. He added that the long-term goal is to connect the stub through the Fleck property back to St. Francis Road and ultimately be able to loop the water and sewer mains.

Mike Schwarz stated that the Village would not want to be on the hook for the potential future cost of any street or culvert improvements that would be necessary for the proposed stub street to potentially connect to the Fleck property.

Chair Schaeffer stated that the biggest issue she heard tonight was that there is still some final engineering that needs to be resolved. There is also the issue of tree mitigation.

There were no other comments on landscaping.

There was consensus among the Commission members on a traditional subdivision with variations versus a Planned Unit Development (PUD).

Chair Schaeffer stated that she wanted to go on record that the mowing and maintenance of the swale shall be the responsibility of the HOA and should be covered in the recorded covenants.

Chair Schaeffer stated that there are no issues from the Park District or School District.

Commissioner Markunas asked the project team if they believe they have received good feedback.

Shawn O'Malley stated that Robinson Engineering has reviewed this many times and they never asked for the proposed stub street to be extended. The culvert would need to be about 6 feet in diameter and would straddle the property line.

Steve Beemsterboer asked if there could be an escrow or letter of credit to cover the cost of the culvert for the street stub to the west if it is not deemed be feasible at this time.

Mike Schwarz responded that this could be explored with the Village Administration and as part of the pending annexation agreement, and would be subject to the Village's Engineer's review.

Chair Schaeffer stated that the project has made progress since the last workshop.

Chair Schaeffer invited the audience to add any comments reminding them that this is not a public hearing.

T.J. Marczali approached the podium and stated that he is in the midst of a lawsuit concerning the recapture owed for this property. He did not know of the first workshop until now. He just wanted the Commission to know that the recapture must be paid prior to the issuance of any building permits.

Steve Beemsterboer stated that to give some background, Chicago Title gave him clean title, but now it's an issue for their insurance company as far as the legal matter.

T.J. Marczali stated that he just wanted make everyone aware of the pending litigation.

#### **E. Public Comments**

There were no public comments.

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

Mike Schwarz noted that the following projects were approved by the Village Board at its meeting on January 16, 2024:

- Thrift Home & Restoration at 21420 S. Harlem Avenue
- CNC Lawn Care at 165 Industry Avenue, Unit 3
- Sauna Guard Wellness Center at 11240 W. Laraway Road

#### **G. Other Business**

There was no other business.

#### **H. Attendance Confirmation (February 8<sup>th</sup>, 2024)**

Chair Schaeffer asked Commissioners to please let staff know if someone cannot attend the next meeting. Commissioner Jakubowski said she won't be able to attend the next meeting.

**Motion (#13):** Adjournment 10:08 P.M.

Motion by: Jakubowski

Seconded by: Markunas

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

Approved February 8<sup>th</sup>, 2024

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

Nichole Schaeffer /s/ Nichole Schaeffer, Chair

Christopher Anala /s/ Secretary