



MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
NOVEMBER 18, 2021–VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET

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

Commissioners Present: Chair Maura Rigoni, Dan Knieriem, Will Markunas, David Hogan, Ken Guevara, Nichole Schaeffer

Commissioners Absent: Lisa Hogan

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 November 9, 2021

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

Motion by: Knieriem Seconded by: Markunas

Approved: 4 - 0 (David Hogan and Schaeffer abstained)

B. Public Hearing: 22960 Hankins Court

Chair Rigoni introduced the case. The applicant, John McCarthy, is requesting two (2) variations to allow an accessory use side yard setback of 6' instead of 10' and to permit the area of a sports court to be 625 square feet instead of 144 square feet.

Farrell presented the case. Summarized, she stated:

- The variations are to address a basketball court that was constructed without a permit.
- This is located within the Crystal Brook Subdivision which is currently under construction.
- The property is zoned R-2 and is 26,022 sq. ft. in size.
- There are four (4) existing arborvitae which screen the sports court along the northern property line.
- The land to the north of the subject property will be part of Crystal Brook Phase 2.

- The outlot to the east is a wetland conservation easement.
- The west property line is where the court encroaches into the required 10 ft. setback. It does not encroach into the easement. There is no screening on the east, west, or south property lines.
- Farrell reviewed the three (3) Standards of Variation and seven (7) Supplemental standards of variation, the responses included in the packet.
- Farrell noted that a larger sports court in the Crystal Brook Subdivision at 7403 Mayfield Dr. was approved by the Commission last month but it did not encroach into a setback.

Chair Rigoni asked the applicant if he wished to speak.

The applicant, John McCarthy approached the podium. He stated that he was contacted by Code Enforcement in early October that his existing sports court needed a retroactive building permit. He stated that although ignorance is no excuse for breaking the law, he didn't know that he needed to obtain a permit.

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

Commissioner David Hogan asked Mr. McCarthy if his contractors obtained a permit for the work. Mr. McCarthy stated that his contractors did not obtain a permit. Chair Rigoni noted that the concrete company should have known to obtain a permit for the work.

Commissioner Guevara asked staff if the proposed condition to prohibit outdoor illumination extended to temporary lighting (not permanently affixed outside). Farrell responded that her interpretation is that temporary lighting would not be permitted. Commissioner Guevara asked staff if there has been discussion among Village staff regarding adjusting the size limitation of 144 square feet for sports courts. He noted that any request for a sports court will likely require a variance for size if the limitation is maintained at 144 square feet. Farrell responded that staff is currently drafting changes to the Zoning Ordinance regarding accessory structures and sports courts and intends to bring the draft language before the Plan Commission as a workshop on December 9, 2021.

Chair Rigoni asked if anyone from the audience wished to speak. There were none.

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

Motion by: Schaeffer

Seconded by: Guevara

Approved: (6 to 0)

During Commissioner discussion:

- Commissioner Markunas asked the applicant why he decided to place the sports court in the far corner of the property. Mr. McCarthy responded that he had talked to his neighbor about the location, who expressed approval, and placed it in its current location.
- Commissioner Knieriem stated that he had visited the site and met with Mr. McCarthy. He noted that the existing sports court is less than half of the size of

the recently approved sports court in Crystal Brook, located at 7403 Mayfield Drive.

- Chair Rigoni stated that she believed that the sports court should meet the minimum 10' setback but did not take issue with the size of the court. She also noted that a 10' setback would also allow for landscaping to screen the sports court from the view of the neighboring property.
- Commissioner Schaeffer stated that the sports court is currently located directly adjacent to a public utility and drainage easement. As such, if any work needed to be done within the easement, the sports court could be damaged.
- Chair Rigoni sought tacit approval from the Commissioners regarding the two conditions of approval.

Motion (#3): Motion to recommend approval of a variation from Article 5, Section D, Part 2, 'e' for minimum accessory use side yard setback (west) from 10' to 6', for the property located at 22960 Hankins Court, in accordance with the reviewed plans, public testimony, Standards of Variation and the following two (2) conditions:

1. No outdoor illumination of the sports court shall be installed.
2. Along the west and east sides of the sports court, landscape screening similar to what is existing on the northern side shall be installed as approved by staff.

Motion by: Schaeffer

Seconded by: Knieriem

Denied: (3 to 3 - Nays: Rigoni, Markunas and David Hogan)

Motion (#4): Motion to recommend approval of a variation from Article 5, Section D, Part 3, 'k' for a recreational facility area (sports court) from 144 square feet to 625 square feet, for the property located at 22960 Hankins Court, in accordance with the reviewed plans, public testimony, Standards of Variation and the following two (2) conditions:

1. No outdoor illumination of the sports court shall be installed.
2. Along the west and east sides of the sports court, landscape screening similar to what is existing on the northern side shall be installed as approved by staff.

Motion by: Guevara

Seconded by: Markunas

Approved: (6 to 0)

C. Public Hearing: 9645 Lincolnway Lane, Suite 103

Chair Rigoni introduced the case. The applicant, Hollie Arndt, is requesting a special use permit for a massage establishment.

Farrell presented the case. Summarized, she stated:

- For the record, the applicant had mailed out letters to all property owners within 250', but they were not sent via certified mail. The applicant resent the

five letters via certified mail this week. If any comments from the public are received, these will be addressed at the Village Board meeting.

- The site is the Crown Centre multi-tenant development.
- The applicant is looking to relocate Hollie's Massage to Suite 103, which currently operates in the Trolley Barn.
- The tenant space would be 827 square feet and include four treatment rooms, breakroom, bathroom and reception area.
- Hours are by appointment only, but would operate only Monday-Friday 9:00a-8:00p and Saturday-Sunday 9:00a-3:00p.
- There would be a maximum of five employees present at any one time.
- The minimum Zoning Ordinance parking requirement of ten parking spaces has been met. The parking is shared among tenants within this building.
- Shared access easements exist on the subject property.
- Parking was calculated to the greatest degree of accuracy possible. Staff was unable to obtain information from the property owner regarding the number of exam rooms within the building or number of employees. During site visits, the Crown Centre parking lot was not observed to be at maximum capacity.
- Farrell reviewed the seven (7) Findings of Fact for special use permits, included in the packet.

Chair Rigoni asked the applicant if she wished to speak.

The applicant, Hollie Arndt, approached the podium. She stated that she's enjoyed operating her business within the Village in two separate locations in the past. She noted that her business is growing and needs more space.

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

Commissioner Schaeffer asked the applicant if she plans to add spa services in the future. Ms. Arndt responded in the negative.

Chair Rigoni asked if anyone from the audience wished to speak. There were none.

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

Motion by: Schaeffer

Seconded by: Knieriem

Approved: (6 to 0)

During Commissioner discussion:

- Commissioner Markunas asked the applicant if her business would continue to operate by appointment only. Ms. Arndt responded in the affirmative.

Motion (#6): Recommend the Village Board approve a special use for a massage establishment to operate Hollie's Massage LLC at 9645 Lincolnway Lane, Suite 103, in accordance with the reviewed plans, public testimony and Findings of Fact.

Motion by: Guevara

Seconded by: Markunas

Approved: (6 to 0)

Chair Rigoni introduced the workshop process. The following items are for discussion only and not public hearings.

D. Workshop: Abri Credit Union

Chair Rigoni introduced the request. The applicant, Abri Credit Union, is requesting 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.

Gruba presented the workshop:

- Abri Credit Union is returning to the Commission as a workshop for a different site plan layout.
- Although the project was formerly approved by the Village Board on July 6, 2021 for a Major PUD change to construct Abri and an SUP for a drive-through use, there has been an ongoing dispute with the adjacent Dunkin' Donuts regarding cross-access. The proposed site plan is an attempt to completely separate the two properties, eliminating all cross-access between Abri and Dunkin through construction of a wall.
- The building, landscaping, lighting, drive-through location, etc. would not be changing.
- The only changes are constructing a wall/fence between the two properties. It would be 3'2" to the top of the masonry and 4' 10" tall to the top of the fencing. There would be a gate along the west drive aisle to allow fire truck access only. The Fire District reviewed this version of the plans.
- There would be only a single means of ingress to the site from the east, being 11'5" wide. 12' wide is required, but the plan could be adjusted.
- The location of the drive-through has not changed at all. As such, the formerly approved drive-through SUP would carry forward with this set of plans, so any future public hearing would only be for a Major PUD change. A secondary egress from the site has also been provided. Both egresses are 27' wide.
- The proposed fence/wall integrates some of the building materials. A motorist would be able to see over the 3'2" masonry wall and through the fence
- Gruba showed and explained the evolution of the Abri site plans.
- The Alsip gates (one connecting to the Vineyards, the other is their main access drive from La Grange) are closed by Alsip when their store closes, which is 8 pm Mon-Fri and 6pm on Saturday and Sunday.
- As noted by Dunkin' Donuts' attorney at former Plan Commission meetings, they objected to having motorists drive through the Dunkin' property to reach the proposed Abri building. The current proposal would eliminate cross-access completely.
- In discussion with the architects the proposed wall would have drainage openings at the bottom to allow for proper drainage. The site had formerly received final engineering approval and the installation of a wall with drainage openings would not affect drainage.

Chair Rigoni asked the applicant if they wished to speak.

Brian Cedergren, President of Abri Credit Union, approached the podium. Abri is trying to find a way to make the site work. Since the biggest concern from Dunkin' was that members of Abri would be coming through the Dunkin' parking lot, Abri felt that the best way to address the concern was build a fence so there was no encroachment on Dunkin's lot. Both businesses have been in the Vineyards of Frankfort for 20 years and Abri hopes that this new proposal will appease the Commission and Dunkin'.

Chair Rigoni noted that the traffic circulation pattern and wall should be the subject of the discussion.

During the discussion with the applicant, the Commissioners generally did not support the construction of the wall and the proposed traffic circulation pattern. The Commission expressed disappointment that Dunkin' was unwilling to work with Abri on the access issue.

The discussion, as summarized:

- Traffic circulation is going in the wrong or opposite direction and it is not intuitive how people would enter the site.
- The Dunkin' drive aisle will be shortened in width to 13 ft. when 20 ft. is the required minimum. The parking abutting the drive-through would potentially have to change to angled to allow for people to safely exit those spaces.
- The proposed wall will negatively impact Dunkin' property more than the shared cross-access.
- The wall will likely become damaged due to the tight turn into the Dunkin' drive-through.
- Instead of a wall, perhaps a different type of barrier, such as curbing or planters, could be constructed.
- The peak hours of operation for the businesses are different and likely would not conflict. This should appease Dunkin's concerns about the cross-access.
- Emergency vehicle access and how snow removal will be handled was questioned. Dennis Merz of the Frankfort Fire Protection District spoke from audience. While Mr. Merz did not complete his review of the plans, he expressed concerns about a crash gate, requesting that the gate be able to be opened.
- Flipping the drive-through lanes was reviewed, but the plan presented was the best one to fit on the site and accommodate members' needs.
- The wall is on a utility easement and would have to be dug up if someone needed to work within the easement. A suggestion was made to shift everything to the south to allow more space for traffic circulation.
- The detention pond might be able to be adjusted to allow for more space and traffic circulation.
- The Village is unable to go back and re-record or retroactively apply an easement on property that they do not own.
- Dunkin' stated that they will take Abri to court should the previously approved plans be constructed. Abri's Board of Directors does not want to spend funds and risk a court battle.
- Perhaps the Village could facilitate a meeting between Abri and Dunkin' to resolve the access issues.
- The Vineyards of Frankfort association could be involved to help support the

cross-access shown in the approved plan.

E. Workshop: Chelsea Intermediate School addition

Chair Rigoni introduced the request. The applicant, Chelsea Intermediate School, is requesting a Special Use for a school addition, a variance to permit cyclone fencing and Final Plat approval to combine two parcels.

Gruba presented the workshop:

- A workshop for a proposed 49,631 sq. ft. addition to the south end of the school, mostly for new classrooms but other rooms as well.
- The north portion of the building measuring 30,766 sq. ft. would be closed or “mothballed” and used for storage.
- Three requests: SUP for the addition, chain link fencing variation, and Final Plat to combine the two parcels into one since they will be used as one.
- The parking lots would not be changed at all and no parking will be removed.
- The school purchased the parcel to the south for use primarily as a detention pond. The site was under-engineered with the two existing detention ponds. These ponds are well-established with vegetation and disturbing them to make them deeper would be costly, destroy the established vegetation and likely not provide a significant additional amount of stormwater. The south parcel will be cleared of all vegetation except for four preservation trees. These woods were surveyed by an arborist, who determined that it’s mostly non-preservation trees and invasive species.
- Landscaping will be required along Laraway Road and around the proposed detention pond.
- The building materials should match as closely as possible the existing school. The addition complies with height, setbacks, lot coverage, etc.
- The impervious coverage is 45%, complying with the 50% maximum permitted. This information was missing from the report.
- Staff had a meeting with the architects/engineers and school staff regarding the rooftop screening. They will be adding or replacing eight rooftop units. The units were moved to the center as much as possible, but are still partially visible.
- This project has been in the review process since May, mostly because of the extensive engineering that is required for construction and drainage/detention. Further engineering will be required before a public hearing.

Chair Rigoni asked if the applicants were present and wished to speak. Doug Wernet, CCSD 157-C Superintendent, Lindsay Taylor with Cotter Consulting, and Alyson Sternquist, approached the podium. Ms. Sternquist stated that there was no change in traffic circulation or parking and no additional uses were to be added.

The discussion, as summarized:

- The addition meets all bulk regulations.
- The existing school’s layout and flow is not highly functional. There is one main hallway and breezeway for hundreds of students to use. The front office is small. The proposed addition will improve the educational experience and functionality at Chelsea Intermediate.

- A sample board of the materials was requested to ensure that the new materials match or complement the existing materials.
- Screening of the rooftop equipment can be costly. Since this project is being completed with tax payer funds, the Commission was amenable to reviewing a proposal which may not meet strict Zoning Ordinance requirements for screening rooftop equipment.
- For the detention pond, the extra space will be re-graded and perhaps used as playfields in the future.
- Ben Bussman, the Civil Engineer for the project team, stated that the new basin will be a natural basin with an oversized pipe system. The Commission supported bioswales, rain gardens or additional natural remedies for the stormwater.
- The existing cyclone fencing is around the track. Since the fence must be removed during construction, the school proposes to replace it with a black vinyl-coated cyclone fence.
- Although the current landscape plans do not show any trees along Laraway Rd., the school will provide one tree per 30 ft. along the road and additional trees around the detention pond.
- The Commission was supportive of relocating trees around the site if they cannot be placed beneath the overhead power lines.

F. Public Comments:

Jim Olguin, a zoning attorney representing McDonald's, approached the podium. McDonald's is looking to replace the old-style menu boards with electronic menu boards. This is a smaller and better system with ambient noise and light sensing. Mr. Olguin has been trying to implement these menu boards at the Frankfort locations for years, but the current Code has no mechanism to allow for it. Mr. Olguin has been trying to establish a system where the signs can be approved, but has made no progress over the past seven months and keeps receiving excuses from Village staff. As a result, Mr. Olguin is trying a different avenue which is why he is speaking at the meeting tonight. Mr. Olguin provided copies of the menu boards that are being proposed and his business card to the Commissioners. Mr. Olguin noted that the McDonald's at Schoolhouse and Laraway in New Lenox is an example of what will be installed.

Chair Rigoni asked staff to comment. Schwarz stated that this goes back years. Several new Village staff members started in May. On June 7, the Committee of the Whole asked staff to research the topic and present for future consideration. A draft of the revised Sign Ordinance will be brought to the Commission as a workshop on December 9. The Sign Ordinance is not part of the Zoning Ordinance, but there is not a formally established Sign Appeals Committee so the Plan Commission is the next logical group to review the code amendments. Chair Rigoni and Schwarz stated that there have been many text amendments and other items on the agendas lately. Chair Rigoni directed staff to work with the local business community and move the text amendment along.

Commissioner Schaeffer asked for clarification on the Sign Appeals Committee. Chair Rigoni explained that there has never been one and typically sign review falls under a PUD which the Plan Commission reviews.

G. Village Board & Committee Updates

Schwarz noted at the November 15, 2021 Village Board meeting, the sports court at 7403 Mayfield was tabled, the special use for massage establishment at 20550 S. LaGrange Rd. was approved, the truck terminal text amendment was approved, and the rezoning of the BorgWarner parcel was tabled.

H. Other Business – None.

I. Attendance Confirmation (December 9, 2021)

Chair Rigoni asked the Commissioners to notify staff if they will be unable to attend the December 9th meeting. There were no future absences noted.

Motion (#7): Adjournment 8:26 P.M.

Motion by: Knieriem Seconded by: Markunas

Unanimously approved by voice vote.

Approved December 9, 2021

As Presented X As Amended

Maura A. Rigoni /s/Maura Rigoni, Chair

Jeanne Favorell s/ Secretary