



MINUTES

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

December 14, 2023 –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), Dan Knieriem, Brian James, Johnny Morris
- Commissioners Absent:** David Hogan, Jessica Jakubowski, Will Markunas
- 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 October 26th, 2023

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

Motion (#1): To approve the minutes from October 26th, 2023, as presented.

Motion by: Knieriem

Seconded by: James

Approved: (4-0)

B. Public Hearing: 165 Industry Avenue, Unit C (Unit 3 on Plat of Survey) – CNC Lawncare (continued from October 26, 2023)

Mike Schwarz presented the staff report.

The applicant, Chad Uthe and the owner, Jonas B, approached the podium. Mr. Uthe noted that the trucks that were displayed on the pictures to the Commission are put away each night and not left outside.

Chair Schaeffer asked the owner if he had been informed of the need to consolidate the lots. He said that he had and that he has an attorney working on it. Chair Schaeffer asked him if he was agreeable to consolidating the lots. He responded yes.

Commissioner Knieriem asked the owner how long he had owned the property and if he had made any improvements to it since then. The owner said that he's owned it for 2 ½ years and that the current conditions of the property are the same as when he purchased it.

Commissioner Morris said that some issues had been raised by the adjacent property owner at the last public hearing, including burning debris. Mr. Uthe responded that all downspouts on his property are aimed away from neighboring properties, so he disagrees that there is stormwater runoff affecting other properties. Mr. Uthe said that there was a concrete wall that fell apart on his property, but that he fixed it. Mr. Uthe said that he sometimes burns branches on the site, but before he does he contacts the Fire District for permission.

Commissioner James asked staff if burning debris is a permitted use. Mr. Schwarz responded that this is more of a municipal code issue and not a zoning issue. Commissioner Knieriem asked Dennis Merz of the Frankfort Fire District, who was in attendance, if this is a common request. Mr. Merz replied that it was a common request and that granting approval mostly depends on weather conditions at the time. Commissioner Morris asked if obtaining approval to burn debris is approved verbally. He responded yes.

Commissioner Knieriem said that he went out to the property and it looked like they did a great job of cleaning it up. He asked about the status of a white pickup truck in the rear yard. Mr. Uthe said that he's in the process of removing that vehicle.

Commissioner James agreed that the property looked like it was in better shape.

Chair Schaeffer also agreed that it was both cleaned up and also kept tidy since then. She asked if anyone in the public wished to speak. There were none.

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

Motion by: James

Seconded by: Morris

Approved by voice vote: (4-0)

Chair Schaeffer said that they would review the Special Use Permit for the use first. She noted that there were two proposed conditions of approval, being that the parcels must be consolidated and that any vehicles stored outside would be parked on a paved surface.

Commissioner Knieriem asked if they intended to pave any areas for parking if, in the summer, there were 10 employee trucks on site. Mr. Uthe said that they have an agreement with the property to the south to park vehicles, which has a paved parking lot. Commissioner Knieriem asked if they could furnish a letter of this agreement.

Commissioner Morris asked if the applicant was going to enter into an agreement with the property to the south or if they intended to pave any of their subject property for parking.

Mr. Uthe responded that he would not be parking on his property, but if he did, he would pave a small portion for parking. Chair Schaeffer asked whether a condition of approval should be added to require paving in the event of outdoor parking. Commissioner Knieriem asked Mr. Schwarz for his opinion. He responded that site plans are approved in conjunction with a Special Use Permit and currently, the site plan does not illustrate any areas for parking on the subject property.

Commissioner Knieriem asked if any vehicles would be parked in the area of the existing northern parcel and what this area would be used for. The applicant responded that they would not park vehicles in the existing northern parcel area and that nothing would be stored in this area either.

Chair Schaeffer read condition #3 and noted that there was agreement among the Commission to keep it.

Chair Schaeffer read condition #4. Mr. Uthe said that an employee would be assigned to sweep the street clean once a day.

Chair Schaeffer read condition #5 regarding the removal of junk vehicles and noted that this condition had largely been met, apart from the single white truck on site.

Chair Schaeffer read condition #6, requiring that the applicant submit a Grading Plan and that the area be graded and seeded. Mr. Uthe agreed with this. Chair Schaeffer said that a Grading Plan should be submitted within 60 days of approval by the Board, assuming approval by the Board.

Commissioner James asked that if the existing northern parcel would not be used for anything, that it should be kept maintained.

Motion (#3): Recommend that the Village Board approve the request for a Special Use Permit for a Landscape Business for the property located at 165 Industry Avenue, Unit 3 (PINs: 19-09-34-103-009-1001, 19-09-34-902-000-0000, 19-09-34-100-071-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following condition(s):

1. Within one year of the date of Village Board approval of a Special Use Permit for a Landscape Business, the property owner shall record a Plat of Resubdivision to consolidate Parcels 1 and 2, and shall amend the existing condominium documents and record amended condominium documents as may be legally necessary, so that the northern parcel is brought into compliance with the Subdivision Ordinance (by achieving frontage on a public right-of-way) and the proposed accessory use for outdoor storage of uncontained bulk materials is thereby brought into compliance with the Zoning Ordinance (by achieving a

location on the same parcel and in connection with the principal use of a landscape business); Non-compliance with this condition may result in fees and penalties pursuant to Article 11, Section A of the Zoning Ordinance; and

2. Any and all vehicles associated with the landscape business, including customer vehicles, employee personal vehicles, trucks, and trailers shall be parked on an approved paved surface; and
3. Semi-trailers, shipping containers or other similar storage containers are prohibited for storage; and
4. Any and all dirt and other debris on the paved surfaces of Parcels 1 and 2 and/or on any portion of the public street, shall be swept clean on a daily basis; and
5. Any and all existing outdoor storage materials, equipment, and vehicles on Parcel 2 (PIN 19-09-34-100-071-0000) that are not in accordance with the submitted Site Plan (“Yard Plan” dated September 27, 2023) shall be removed from said parcel within 60 days of the date of Village Board approval of a Special Use Permit for a Landscape Business; and
6. The property owner or owner of the landscape business shall submit a Grading Plan for Parcel 2 (PIN 19-09-34-100-071-0000), within 60 days of the date of Village Board approval of a Special Use Permit for a Landscape Business, with said Grading Plan to be reviewed by the Village Engineer; Following approval of the Grading Plan, all dirt ground surfaces shall be planted with grass seed or installed with sod within 6 months of the date of Village Board approval of a Special Use Permit for a Landscape Business.

Motion by: Knieriem

Seconded by: James

Approved: (4-0)

Chair Schaeffer discussed the Special Use Permit request for outdoor storage. She reviewed each of the six (6) recommended conditions, which were largely the same as the conditions for the first Special Use Permit. Condition #1 states that if the parcel to the north is sold, then the Special Use Permits become null and void. Mr. Schwarz noted that this was a safeguard to ensure that the two parcels are combined.

Motion (#4): Recommend that the Village Board approve the request for a Special Use Permit for Outdoor Storage of uncontained bulk materials, in the I-2 General Industrial District, for the property located at 165 Industry Avenue, Unit 3 (PINs: 19-09-34-103-009-1001, 19-09-34-902-000-0000, 19-09-34-100-071-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following condition(s):

1. If and when the property owner desires to transfer ownership of Parcel 2 (PIN 19-09-34-100-071-0000), if such transfer is done prior to any consolidation of Parcels 1 and 2, the Special Use Permit for outdoor storage of uncontained bulk materials shall become null and void on any portion of Parcel 2 (PIN 19-09-34-100-071-0000); and
2. Bulk materials stored on site may not exceed the fence height and/or shall be completely screened from the public right-of-way and adjacent properties; and
3. Semi-trailers, shipping containers or other similar storage containers are prohibited for storage; and
4. Any and all dirt and other debris on the paved surfaces of Parcels 1 and 2 and/or on any portion of the public street, shall be swept clean on a daily basis; and
5. Any and all existing outdoor storage materials, equipment, and vehicles on Parcel 2 (PIN 19-09-34-100-071-0000) that are not in accordance with the submitted Site Plan (“Yard Plan” dated September 27, 2023) shall be removed from said parcel within 60 days of the date of Village Board approval of a Special Use Permit for Outdoor Storage of uncontained bulk materials; and
6. The property owner or owner of the landscape business shall submit a Grading Plan for Parcel 2 (PIN 19-09-34-100-071-0000), within 60 days of the date of Village Board approval of a Special Use Permit for a Landscape Business, with said Grading Plan to be reviewed by the Village Engineer; Following approval of the Grading Plan, any and all dirt ground surfaces shall be planted with grass seed or installed with sod within 6 months of the date of Village Board approval of a Special Use Permit for Outdoor Storage of uncontained bulk materials.

Motion by: James

Seconded by: Morris

Approved: (4-0)

Mike Schwarz noted that this project would likely proceed to the Board in January but would be in touch with the applicant.

C. Public Hearing: 11240 W. Laraway Road – Sauna Guard Wellness Center

Amanda Martinez presented the staff report.

Applicants Omar Hassad and Mohammad Jalouga approached the podium. The applicants noted that they would not have walk-in customers and that all appointments would be made ahead of time. In this way, their business would not generate a lot of parking, since only

one masseuse could work on one person at one time. The applicant noted that they are in the process of purchasing the Walgreens property next door.

Amanda Martinez noted that the property currently has 24 parking spaces. However, based upon the floor plan submitted, the use would require a total of 32 spaces.

Chair Schaeffer asked the applicant if they've ever owned or operated a business like the proposed massage establishment. The applicant replied that this would be his first massage establishment, but he does own various other businesses.

Commissioner Knieriem said that he thought the proposed use was appropriate and that the new building looked nice.

Commissioner Morris asked the applicant if they've ever been involved in any massage business. Mr. Jalouga responded that he worked as a chiropractor student, which is somewhat related because there are massage therapists that work with chiropractors. Commissioner Morris asked how the hiring process would work for masseuses. Mr. Hassad responded that they would perform complete background checks, including criminal background checks and whether they are professionally licensed. Commissioner Morris asked the applicant how many customers would come per day. Mr. Hassad responded that he didn't know but reiterated that clients had to make appointments ahead of time. Commissioner Morris asked about the proposed hours of operation and why they chose the business hours. Mr. Hassad responded that they would be open from 9 am – 7 pm, Monday through Friday, 9 am – 5 pm on Saturday and closed on Sunday. He explained that they'd be open later on weekdays to allow customers to come in after their normal working hours. On Saturdays, they wouldn't be open as late because most people don't work on Saturdays, allowing them to come at midday. On Sundays, they thought that most people would rather stay home.

Commissioner James said he liked that the applicant had a business plan for their new building. He's also never noticed a parking issue at Walgreens.

Chair Schaeffer asked if anyone in the public wished to speak.

Michael Brewer signed in at the podium, who is the president of the Sandalwood HOA, located behind the new commercial building. He said that his only concern is the lack of landscaping on the backside of the landscape berm, adjacent to Sandalwood Subdivision. He said that before the building was constructed, there was brush and vegetation that obscured the view of the building. This brush was cleared out and the existing trees were trimmed high, so that the view of the new brick building is very noticeable. He asked if more landscaping could be installed on the back side of the berm. He also noted that there had been lawn maintenance issues on the property in the recent past.

Mr. Hassad responded that the grass did get tall once but only because he was in the process of construction and had intended to dump dirt over the grass in order to grade the site. He said that since his commercial property sits higher than the residential subdivision, the building is naturally more noticeable. Even if he installed a fence between his property and Sandalwood Subdivision, the building would still be seen.

Commissioner James asked staff if a Landscape Plan had been submitted and approved for this property. Mike Schwarz responded that the plans were reviewed by the Building Department but that he would confirm with them to make sure that the approved plans were adhered to.

Mr. Brewer said he also noticed a blue dumpster behind the building. Mr. Hassad said that this was a construction dumpster which would be removed once all construction is completed. Chair Schaeffer reiterated that staff would investigate the landscaping and the approved Landscape Plan.

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

Motion by: James

Seconded by: Morris

Approved: (4-0)

Motion (#6): Approve an adjustment to the minimum number of required parking spaces to allow the existing 24 parking spaces on the property to serve the proposed uses.

Motion by: James

Seconded by: Morris

Approved: (4-0)

Motion (#7): Recommend the Village Board approve a Special Use Permit for a Massage Establishment to operate in the B-2 Community Business District for the property located at 11240 W. Laraway Road, Frankfort, Illinois 60423 (PIN 19-09-30-401-063-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following two conditions:

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

Motion by: Morris

Seconded by: James

Approved: (4-0)

Mike Schwarz said that this item would likely be heard by the Board at their first meeting in January.

D. Public Hearing: 116 Kansas Street – Petite Patate

Amanda Martinez presented the staff report.

There was an initial debate as to whether there should be any discussion on this item, since staff requested that this item be continued (tabled) to the January 11th, 2024 meeting. It was decided that since the applicant traveled to attend the meeting, as well as several members of the audience that may have wished to speak, that the Commission could discuss the item.

Chair Schaeffer asked if there was anything in the public that wished to speak. Mark Creer approached the podium, who lives at 119 W. Nebraska Street. He was concerned that garbage from the future restaurant use may impact his residence. He said that there were racoons and opossums that lived in the building while it was vacant. He noted that there is not a lot of space on their site to situate a garbage bin. Mr. Kreger responded that he hadn't yet determined where a garbage bin would be placed, but that likely the existing platted alley that was disused for so long would be used again, in part to collect garbage.

No other members of the public wished to speak.

Commissioner Knieriem said that containment vessels for food grease would likely be needed and to keep this in mind while designing the site, mostly in order to minimize the impact to adjacent residences. Mr. Kreger said that he was planning to install a concrete pad in the rear for a commercial dumpster for the restaurant use and that the proposed office and residential uses would likely have standard residential bins for curbside pickup. Commissioner Knieriem said that there are requirements for commercial dumpster enclosures.

Motion (#8): To continue and keep open the public hearing until the January 11th, 2024 PC/ZBA meeting.

Motion by: James

Seconded by: Knieriem

Approved: (4-0)

E. Public Hearing: 116 & 118 Kansas Street – Kevin Kreger

Amanda Martinez presented the staff report. Mike Schwarz asked the Commission whether they wanted to act on this project or keep the public hearing open and continue the meeting on January 11th, 2024.

The applicant, Kevin Kreger, said that he would prefer that the PC/ZBA act tonight and vote on the requested variations, in order for him to proceed with exterior construction work during the winter, weather permitting. There was some discussion that the Board would likely not review the variations requests until mid-January and that voting on the variations would not necessarily advance the project. Chair Schaeffer said that she would prefer to not act on the variations now and other related requests later, which would be a “piecemeal” approach. She asked staff whether the Special Use Permit for the vacation rental was properly noticed. Staff responded that it was published in the newspaper, abiding by State noticing requirements, but that it was not included on the face of the agenda and for that reason, it may not be technically legal to act on it. Commissioner Knieriem said that he’d rather that the Commission act on everything at once and avoid a piecemeal approach. He asked staff if the Commission took action on the variations tonight, if it would be acted upon by the Board on December 18th. Mike Schwarz responded no. There was consensus to at least discuss the project.

Mr. Kreger said that the vacation rental would act as his second home and would reside there when it was not rented out. It would be an upscale unit and not a party house. Chair Schaeffer asked about the anticipated rate of occupancy. He responded that the Village ordinance permits units to be rented for up to 60 days per year, so he would aim for the maximum permitted.

Amanda Martinez noted that there is a renewal process for vacation rentals and that if there are incidents, the license could be revoked. Revocation would be done administratively. Commissioner Morris asked if revocation was dependent upon receiving complaints. She responded yes and that inspections would also be conducted.

The Commission agreed that the variations and all requests should be discussed at the PC/ZBA meeting on January 11th, 2024, when hopefully the Commission would have a full roster.

Amanda Martinez said she received a letter from a downtown business owner located at 106 Kansas Street and read it into the record. The letter regarding opposition to the proposed Vacation Rental, support for the setback variations, and a concern for parking.

Motion (#9): To continue and keep open the public hearing until the January 11th, 2024 PC/ZBA meeting.

Motion by: Knieriem

Seconded by: James

Approved: (4-0)

F. Workshop: Village of Frankfort Zoning Ordinance Text Amendment, Parking Regulations

Chris Gruba presented the staff report.

There was a consensus to review the approach rather than go through each regulation one by one.

Commissioner Knieriem asked staff what has changed since the February workshop?

Chris Gruba responded that he added seven more “real life” examples of commercial properties, comparing current parking regulations to the proposed regulations. He also noted that several months have passed since the initial workshop, as well as changes to the Plan Commission roster, meriting workshop discussion prior to a public hearing on the text amendment.

Chair Schaeffer said she liked the hard data offered from the manual, which was included with the staff report. The ITE manual provided actual vehicle counts at specific properties and used this to calculate the amount of parking required per gross floor area of the building.

Commissioner Knieriem asked if staff could explain the columns in the table that is attached to the staff report.

Chris Gruba emphasized the third column that says, “proposed for Frankfort”.

Chair Schaeffer asked to start discussion with the “Opa!” (Brookside Commons) commercial plaza example provided by staff.

Chris Gruba stated that Brookside Commons would still have a deficiency when using the proposed new parking calculation, but it would be slightly less of a deficiency. He noted that it would be concerning if the proposed new calculation changed it to state there is a surplus of parking at that location.

Commissioner Morris asked staff what the standard width of a parking space is per Code or by State regulation.

Chris Gruba responded that the Village of Frankfort’s standard parking space is 9’x18’ and that is common in other places as well.

Commissioner Morris asked if there was an opportunity to consider the standard width of parking spaces in this conversation because there are some parking lots around the Village that have narrow parking spaces and that is the reason why sometimes cars accidentally hit each other.

Chris Gruba said that if parking stalls were to be widened, he would advise a 9.5’ width, since anything above that is atypical across the country.

Chair Schaeffer asked staff if each specified land use would have a different unit of gross floor area to divide by.

Mike Schwarz responded yes and that is a practice used by various other communities because it captures the whole building, and it is easier to get rather than singling out the units.

Chris Gruba presented the “Butera Center” example. He noted that staff doesn’t believe there is a parking deficiency at this site and should be in surplus with the existing and the proposed parking calculations. He stated that with the existing and proposed parking calculations, the “Butera Center” would still be identified as being slightly deficient, so the proposed text amendment for parking would still take a more conservative approach.

Chair Schaeffer noted that the data driven approach by using the manual is very telling.

Commissioner Morris asked if there is a way to consider businesses that anticipate growth.

Chris Gruba responded that the Village’s off-street parking requirements are to implement minimum parking spaces not maximum parking spaces, so the businesses could expand their parking if they wanted to.

Commissioner James asked if the “Butera Center” would have an opportunity to redevelop their parking lot if they needed to implement more parking.

Chris Gruba stated that if there was a surplus of parking, the property owner could carve out an outlot for development.

Commissioner James stated that it would be helpful if staff could provide research to show how the Village would account for the projects that will be proposed in the next year or so.

Chris Gruba presented the “Oasis Senior Living” example. He noted that staff believes this site may be slightly deficient for parking when it was approved last year, and the proposed new parking calculation would identify them as slightly deficient to align with this. In other words, the proposed parking language would require slightly more parking for senior facilities than is currently required.

Commissioner Morris asked if there would be consideration write in minimum Electric Vehicle parking spaces. Chris Gruba responded that electric vehicle spaces would be counted the same as regular spaces, at least as proposed right now.

Mike Schwarz responded that the market has been driving residents and businesses to willingly implement Electric Vehicle parking spaces.

There was a consensus to think about bicycle parking spaces and Electric Vehicle parking spaces in the next iteration of a text amendment regarding parking.

G. Public Comments

There were no public comments.

H. Village Board & Committee Updates

Mike Schwarz stated that there have been three Village Board meetings since the last Plan Commission meeting. At the November 6, 2023 Village Board meeting, the Roma Sports and Prestwick Golf Club projects were approved. At the November 20, 2023 Village Board meeting, there were no Plan Commission items presented. At the December 4, 2023 Village Board meeting, a resolution was approved to oppose a solar farm that was proposed within 1.5 miles of the Village’s boundaries.

I. Other Business

There was no other business discussed.

J. Attendance Confirmation (January 11th, 2024)

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

Motion (#10): Adjournment 9:34 P.M.

Motion by: Morris

Seconded by: James

The motion was unanimously approved by voice vote (4-0).

Approved January 11th, 2024

As Presented As Amended

 /s/ Nichole Schaeffer, Chair

 /s/ Secretary