



**MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
DECEMBER 9, 2021–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, Ken Guevara, Nichole Schaeffer

Commissioners Absent: Lisa Hogan, David 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 18, 2021

Motion (#1): Approval of the minutes, as presented, from November 18, 2021

Motion by: Knieriem Seconded by: Markunas

Approved: (5 to 0)

B. Public Hearing/Final Plat: Nebraska Pines

Chair Rigoni introduced the case. The applicant, Pat McMahon, is requesting (1) approval of a Final Plat of Subdivision of Nebraska Pines, a two-lot subdivision located at 314 W. Nebraska St.; (2) a variation for proposed Lot 1 of Nebraska Pines Subdivision for minimum lot size from 15,000 sq. ft. to 14,543 sq. ft.; (3) a variation for proposed Lot 1 of Nebraska Pines Subdivision for minimum lot width from 100 ft. to 88 ft.; (4) a variation for proposed Lot 1 of Nebraska Pines Subdivision for building materials to permit the use of non-masonry materials on the first-floor level; and (5) a variation for proposed Lot 2 of Nebraska Pines Subdivision for building materials to permit the use of non-masonry materials on the first-floor level.

Farrell presented the case. Summarized, she stated:

- A workshop was held on October 28 for this case and the requests are unchanged since then.
- Recommendations from the workshop and the status of those items:

- Complete the flood study so that the extent of the flood limits and required setback were known. Completed, but some information is missing and revisions were requested by Robinson.
- Make the storm sewer/drainage easement on the southern portion of Lot 2 larger and shift it further north so that underground piping would not negatively impact the neighbor. Completed.
- Include tree preservation measures for the neighbor's trees closest to the shared property line. Not shown on plans so staff recommends it as a condition.
- Provide architectural plans which detail the proposed building materials. Completed.
- Provide color renderings of the proposed residences. Completed.
- This is actually a corner parcel with unimproved Elm Street to the east.
- Parcel is about 36,300 sq. ft. Proposed Lot 1 of the Nebraska Pines subdivision deficient in size and width.
- A few new items to address on the site plan since the workshop:
 - Homes and development meet setbacks and other applicable requirements.
 - As of this morning, the applicant will be removing the retaining wall and instead will provide an engineered basement option with dry floodproofing. This was discussed with Robinson and preliminarily approved. This engineered basement option will not alter the height of the home or size of the basement. Everything else, including the setback of the house, will remain unchanged.
 - With the retaining wall being removed from the 100-year floodplain area, the elevation will likely not increase to the point where compensatory storage will be required.
 - With the shift in the parcels from the first version of the Final Plat, one tree which was slated to be removed appears to be saved and one appears to be removed not previously shown on the plan. A condition of approval for the Final Plat is that trees on the neighboring property to the south be protected during construction.
- Building materials variations are requested for both of the proposed residences. Masonry is supposed to be used on 100% of the first-floor level.
- A brief assessment of the standards of variation for the four variation requests with full responses in the packet:
 - In regard to lot width and size, the property could yield a reasonable rate of return as one lot. The circumstance is created by the division of the parcel and the presence of the 100-year floodplain. Smaller than standard lots are common in this area with the Lisburn and Bartkus Subdivisions as recent examples.
 - For building materials, the property could yield a reasonable rate of return complying with regulations pertaining to materials, but the area is characterized by older homes which are typically not masonry construction.

Chair Rigoni asked if the applicant was present and wished to speak. Pat McMahon and Brian Hertz approached the podium and introduced themselves. They had a conference call with the Village engineers and staff this morning. The retaining wall will be removed and the engineered foundation plans will be submitted. The house

plans won't change but the foundation may change. For the variations, Hardie board is more expensive than brick and it looks better for the area.

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

- Commissioner Markunas asked if the retaining wall was originally there to maximize the footprint for the house. Mr. Hertz stated it was not, it was needed to help move the house closer to the 100-year floodplain.
- Commissioner Knieriem asked about the basement foundation. Mr. McMahon stated that dry proofing will be installed. The foundation may need extra rebar and might be thicker than first proposed.
- Chair Rigoni asked if the 20 ft. setback is still required and if not, can the home on Lot 2 move further east to allow for Lot 1 to be 15,000 sq. ft. The applicant responded that it may be possible.
- Chair Rigoni asked for clarification on the conservation easement. The applicant agreed it is not technically conservation and will clarify the language on the Final Plat.
- Commissioner Schaeffer asked about the driveway on Lot 2 within the easement. Farrell stated that the driveway is allowed a 4 ft. setback since the garage is side-loaded and it's not recommended to have it in the easement but a permit can be issued for it.
- Commissioner Guevara preferred Lot 1 to be 15,000 sq. ft. if possible.

Chair Rigoni asked if there was anyone from the public who wished to speak.

Julie Fletcher approached the podium and asked about removal of junk trees along the shared property line. Mr. McMahon stated that he will clear out the overgrown brush and plant some burning bushes. Ms. Fletcher asked if the changes to the plan will affect the drainage on her property. Mr. Hertz stated that they had to complete a flood study and are installing a storm sewer system in the backyard to help with drainage in the area.

There was no one else from the public who wished to speak and the public hearing was closed.

During Commissioner discussion:

- Commissioner Schaeffer asked if the large size of the homes in proportion to the size of the lots was a concern for the other Commissioners. Commissioner Guevara and Chair Rigoni commented that the lots are held to the 20% lot coverage which would restrict any other structures on the sites. Chair Rigoni expressed concern that the new owners may come back for a lot coverage variation on Lot 1 in the future. Mr. McMahon stated that he will instruct the future buyer that no other structures are permitted on the property.
- Commissioner Markunas asked if there would be any issues with moving the home 3 ft. to the east on Lot 2. Mr. Hertz stated that the home will be over 5:1 with the slope so some rock outcroppings that drop down to help the slope transition may have to be constructed.
- Commissioner Knieriem asked about the term "hereby dedicated" on the Final Plat and if the Village would be liable for the maintenance of the drainage area. Chair Rigoni stated that the dedication just allows the Village to enter the

easement for any work. Staff and the Commissioners agreed that the conservation language needed to be updated on the Plat to reflect certain areas are just “drainage and utility” easements.

- Commissioner Knieriem asked if neighbors could tie into the proposed storm sewer in backyard. Mr. Hertz responded that since the easement is contiguous to the neighboring properties, they could tie into it.
- Chair Rigoni requested that a note be added to the Final Plat stating that the lots are permitted a maximum of 20% lot coverage.
- Chair Rigoni supported the variation for building materials since the downtown area does not have many masonry homes.
- The Commissioners generally agreed that they preferred Lot 1 increased in size by 3 ft. in order to meet the minimum 15,000 sq. ft. standard. The Commissioners discussed the applicant’s timeline for commencing construction and the ability to condition the Final Plat and variation approval based upon increasing Lot 1 in size.

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 of Subdivision of Nebraska Pines conditioned upon (1) approval of the variations for lot size and lot width as provided below; (2) final engineering approval; (3) tree preservation measures shall be provided during construction on the northern-most tree(s) located at 301 Oregon St.; (4) the addition of a note that all lots cannot exceed 20% lot coverage; and (5) a review of engineering to add 3 ft. from Lot 2 to Lot 1 provided it meets best engineering practices.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

Motion (#4): Motion to recommend approval of a variation for proposed Lot 1 of Nebraska Pines Subdivision for minimum lot size from 15,000 sq. ft. to 14,543 sq. ft. in accordance with the reviewed plans, public testimony, Findings of Fact, and conditioned upon a review of engineering to add 3 ft. from Lot 2 to Lot 1 provided it meets best engineering practices.

Motion by: Knieriem

Seconded by: Guevara

Approved: (5 to 0)

Motion (#5): Motion to recommend approval of a variation for proposed Lot 1 of Nebraska Pines Subdivision for minimum lot width from 100 ft. to 88 ft. in accordance with the reviewed plans, public testimony, Findings of Fact, and conditioned upon a review of engineering to add 3 ft. from Lot 2 to Lot 1 provided it meets best

engineering practices.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

Motion (#6): Motion to recommend approval of a variation for proposed Lot 1 of Nebraska Pines Subdivision for building materials to permit the use of non-masonry materials on the first-floor level in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Knieriem

Seconded by: Markunas

Approved: (5 to 0)

Motion (#7): Motion to recommend approval of a variation for proposed Lot 2 of Nebraska Pines Subdivision for building materials to permit the use of non-masonry materials on the first-floor level in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Guevara

Seconded by: Schaeffer

Approved: (5 to 0)

C. Workshop: Village of Frankfort Sign Regulations Amendments – Electronic Order/Menu Boards and Gas Station Price Signs

Chair Rigoni introduced the workshop.

Schwarz presented on the digital menu boards:

- On June 7, staff was directed by the Committee of the Whole to undertake research on signage regulations for gas station pricing and electronic menu boards.
- Staff received correspondence from Jim Olguin regarding McDonald's request for digital menu boards which are currently not permitted.
- There is currently one digital menu board in the Village.
- Staff was approached by Speedway gas station who is looking to update their pricing information to digital which is currently not permitted.
- Staff conducted research into neighboring municipalities' regulations for these types of signs.
- Schwarz showed examples of digital menu boards from neighboring municipalities and McDonald's proposal for their Frankfort locations.
- Schwarz read through the proposed text amendments for digital menu boards.

Chair Rigoni asked the Commissioners if they agreed that they would like to allow these types of signs. The Commission generally agreed.

Commissioner Markunas' comments:

- McDonald's proposal seems to be on the smaller size of the parameters.
- 7 ft. in height is reasonable.

- The anti-glare screen provision should be revised to state that the content of the sign is not visible. The anti-glare screen should also be required for pre-sale menu boards.
- Questioned where the 15 ft. setback regulation came from. Schwarz believed it was from another town.
- Questioned if the decibel level of the speaker should be addressed. Schwarz stated that there are noise regulations in the codes currently and that staff did not receive direction from the Board to investigate that issue.

Chair Rigoni's comments:

- Questioned the comparisons to neighboring towns and if they were regulations for digital menu boards or for regular signs. Schwarz responded both.
- Does not want the menu board to be taller than a regular free-standing sign which is only 6 ft. in height.
- Would like to see an increased setback from the 15 ft. proposed.

Commissioner Schaeffer's comments:

- Recommended staff review other vendors for these types of monitors.
- Questioned what the middle ground would be for Nits.

Commissioner Guevara's comments:

- Concerned if this is the right size and height and if the Commission will receive many variation requests in the future.
- There should be a size cap.
- Visibility should not exceed 10 ft. beyond the sign.

Jim Olguin, an attorney for McDonald's, approached the podium. In summary he stated:

- The signs for McDonald's are typically smaller than what other vendors use.
- 7 ft. in height is appropriate. The current signs are just under 7 ft. at McDonald's.
- Mr. Olguin has an issue with the proposed 15 ft. setback from the property line and would like to see that provision eliminated.
- 2500 Nits is the max that McDonald's uses.
- Mr. Olguin has an issue with the number of times per hour the screens can change. The screens list your order on the board, changing for each individual. The Commission and staff agreed that allowing a portion of the menu board to have changeable copy in conjunction with ordering would be permissible.

Schwarz stated that the next steps would be to incorporate the feedback from the Commission and present it to the Committee of the Whole before a public hearing is held.

Schwarz presented on the gas station pricing:

- All free-standing signs are allowed to be a maximum of 30 sq. ft. but many existing gas stations have signs larger than that.
- The Commission needs to determine what percentage of the total sign should be allowed to be digital fuel pricing.
- Schwarz showed examples of gas station signs from within Frankfort and

neighboring municipalities.

Debbie, a manager with Speedway in Frankfort, introduced herself and stated that the station is looking to update its pricing signage.

Chair Rigoni asked about the illumination of these signs and if any other portions of the code need to change. Schwarz stated no. The Commissioners requested that the maximum Nits language from the menu board amendments be carried over into the gas station pricing amendments.

The Commission generally agreed to limit the sign to 30 sq. ft. and place a cap at 25% of the overall sign for pricing.

Debbie with Speedway asked about the content of the pricing signs and if “unleaded, car wash, diesel, or Speedy Freeze” would be allowed. Chair Rigoni recommended that staff verify with legal counsel regarding regulation of sign content.

D. Workshop: Village of Frankfort Zoning Ordinance Text Amendment – Accessory Uses & Structures

Chair Rigoni introduced the workshop. Due to time constraints, Chair Rigoni asked that only sports courts be addressed.

Gruba presented the sports court section of the proposed amendments only:

- Currently there is a 144 sq. ft. limitation on the size.
- It is possible to require a special use for sports courts since meeting the standards of variation is difficult and a variation for sports court size has not been approved by Board since 2015. Gruba contacted the Village Attorney to see if the sports court use could be banned altogether but has not received a response. Commissioner Knieriem stated that there are larger lots which allow for outdoor lifestyles. The Commissioners generally did not agree to eliminate the sports court use.
- Size could be based on the size of the lot with an ultimate cap.
- Requiring sound deadening material is a possibility. Asphalt is quieter than concrete due to the air bubbles in the material. Commissioner Markunas stated that people placing asphalt in their backyards is unrealistic.
- Since sports courts function like pools, there is potential to use the same screening regulations used for pools. Or, as a special use, the screening would be reviewed case by case.

During Commissioner discussion:

- Commissioner Knieriem asked about lot coverage and impervious coverage calculations. Gruba clarified that the sports courts would be counted towards impervious coverage. There was discussion about impervious coverage and adding driveways and sidewalks to the calculation which could limit the sports court size. Commissioners generally agreed that driveways and sidewalks should be counted towards impervious coverage in the text amendment revisions.
- The 15 ft. maximum height currently in place is reasonable and should be retained.

- Requiring a special use for sports courts was debated and no consensus was reached.
- Permitting only one per lot was agreed upon.
- Instituting a maximum size was agreed upon. The Commissioners requested to see what size a court would need to be in order to include a three-point line.
- The Commission desired to see the sliding scale for the sports court size in relation to lot size investigated more fully since everything, including driveways, would now be included in the impervious calculation.
- Locating sports courts in the rear yard only was agreed upon.
- The Commissioners did not agree to a sliding scale for setbacks and recommended to leave the setback at 10 ft.
- Counting sports courts towards the maximum impervious coverage was agreed upon.
- The Commissioners agreed to use the swimming pool regulations for screening.
- The Commissioners recommended to remove mention of chain link fencing since it was prohibited. They agreed to leave the height of the fencing unchanged from current regulations.
- The Commissioner agreed to remove the surface material requirement that was proposed.
- Prohibiting illumination was agreed upon.
- The Commissioners recommended to amend the proposed language that permanent goals were limited to one.

Gruba presented comments received by Trustee Farina and the Commissioners commented:

- Commissioners agreed that hockey rinks should be classified as a sports court.
- Commissioners agreed that lighting should be prohibited.
- Commissioners did not agree that the sports courts should be moved closer to the home on the property. They stated that all accessory structures including sports courts should be held to this requirement or none at all.
- The Commissioners agreed that swimming pools should count towards impervious coverage.
- The Commissioners did not agree that only evergreen screening should be allowed. The Commissioners recommended being consistent with swimming pool screening regulations.
- The Commissioners did not agree that pool pumps and noisy equipment should be allowed in the rear yard only.
- The Commissioners did not agree that screening should be required around equipment like AC units and pool pumps since that equipment needs proper air circulation.
- The Commissioners did not agree to limit the amount of accessory structures permitted on a property since including driveways and sidewalks in the impervious calculation will now restrict the amount of accessory structures.

The Commissioners agreed that another workshop was necessary. Chair Rigoni asked about the potential to have a joint workshop with the Village Board.

The Commission requested that staff review the two most recent sports courts and calculate the impervious coverage with including sidewalks and driveways for those

proposals.

E. Public Comments – None.

F. Village Board & Committee Updates

Schwarz noted that the special use for Hollie's Massage was approved by the Village Board.

G. Other Business – None.

H. Attendance Confirmation (December 23, 2021)

Gruba informed the Commission that there were no public hearings scheduled. The Commission recommended that this meeting be canceled due to a lack of pressing business. The next meeting will be January 13, 2022.

Motion (#8): Adjournment 9:40 P.M.

Motion by: Schaeffer Seconded by: Markunas

Unanimously approved by voice vote.

Approved January 13, 2022

As Presented X As Amended

Maura A. Rigoni /s/Maura Rigoni, Chair

Christopher Dube s/ Secretary