



**MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
MARCH 24, 2022–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, Nichole Schaeffer, David Hogan

Commissioners Absent: Ken Guevara

Staff Present: Director of Community and Economic Development
Mike Schwarz, Senior Planner, Christopher Gruba

Elected Officials Present: Trustee Borrelli

Chair Rigoni noted that there were a number of members of the public in attendance. She provided an overview of the meeting process and swore in members of the public who wished to speak.

A. Approval of the Minutes from March 10, 2022

Motion (#1): Approval of the minutes, as presented, from March 10, 2022

Motion by: Knieriem Seconded by: Schaeffer

Approved: (5-0)

B. Public Hearing: 247 Hickory Street – Quinlan Residence Variation and Plat of Resubdivision (Ref #105)

Gruba presented the staff report.

Chair Rigoni asked the applicants to come forward.

Arthur and Gail Quinlan approached the podium. Mr. Quinlan explained the need for the variation and gave examples of basement sizes in other houses in the neighborhood.

Chair Rigoni asked the applicants to clarify what specific variation is being requested.

Mr. Quinlan stated that they are requesting Option 1, which is a variation to reduce the required minimum basement size from 80% to 48% of the ground floor area of the first

story, or 1,385 square feet instead of the required 2,808.8 square feet.

Chair Rigoni asked if there was anyone in the audience wanting to speak on this request.

Jack Johnson, a resident of Frankfort, approached the podium and stated that he is in support of the request. He added that he would have also been in favor of Option 2.

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

Motion by: Markunas Seconded by: Schaeffer

Approved: (5-0)

Chair Rigoni asked if there were any comments from the Commission.

Commissioner Knieriem stated that many people desire basement storage and it may be the case for a buyer in the future. You cannot go back and add it later. He asked the applicants if they are open to Option 2.

Mr. Quinlan responded that the minimum 80% code requirement is a detriment to people who want to build a ranch style house. He added that Option 1 is still a large basement at 48% of the first floor area. Mrs. Quinlan added that at 48% of the first floor area is more than 1,300 square feet. She added that Option 2 at 68.3% of the first floor area the basement would be 1,971 square feet.

Discussion ensued regarding some other examples of houses in the neighborhood.

Commissioner Knieriem asked again if the applicants would consider Option 2.

The applicants responded that they are requesting Option 1.

Commissioner Markunas asked the applicants where is the hardship since they are building new.

There was some discussion.

Commissioner Schaeffer asked if this is a financial situation.

Mrs. Quinlan responded that it wasn't a financial consideration three years ago when they started planning for this project, but now it is.

Commissioner Schaeffer stated that she understood their concerns.

Commissioner Hogan stated that he did not have anything to add.

Mr. Quinlan stated that a nearby neighbor has a smaller basement.

Chair Rigoni asked staff when this requirement was adopted. She then recalled that it was adopted in 2013. She stated that she wasn't sure why this type of regulation was included in the Zoning Ordinance and not the Building Code and asked staff to look into this.

Chair Rigoni asked the applicants which option they would like the Plan Commission/Zoning Board of Appeals to vote on.

There was additional discussion among the members of the Plan Commission/Zoning Board of Appeals and Senior Planner Chris Gruba about whether or not the garage was included in calculating the requirement.

Chris Gruba stated that only the habitable area of the first floor, not the garage or the front porch, is included in the calculation.

Chair Rigoni again asked the applicants to confirm their request.

There was no immediate response.

Chair Rigoni explained the process for the vote and the waiting period should this not pass.

Mr. Quinlan stated that after further thought they are requesting Option 2, which is 68.3% of the first floor area, or a basement size of slightly more than 1,971 square feet.

Chair Rigoni read and called for a motion on the applicants' amended variation request.

Motion (#3): Recommend the Village Board approve a variation from Article 6, Section B, Part 2(l) of the Village of Frankfort Zoning Ordinance to reduce the required minimum basement size from 80% to 68.3% of the ground floor area of the first story, or 1,971.14 square feet instead of the required 2,308.8 square feet (Option 2), for a proposed new house in the R-2 Single-Family Residential District located at 247 Hickory Avenue in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Markunas

Seconded by: Knieriem

Approved: (5-0)

Motion (#4): Recommend the Village Board approve the Quinlan Plat of Resubdivision, which is a consolidation of Lot 45, Lot 46 and half of Lot 47 in the McDonald Subdivision, subject to any necessary technical revisions prior to recording

Motion by: Schaeffer

Seconded by: Markunas

Approved: (5-0)

C. Public Hearing: 19948 Lily Court – Gale Variation (Ref #106)

Gruba presented the staff report.

Chair Rigoni asked the applicant to come forward.

Patrick Gale, the applicant, approached the podium. He stated that they purchased the home in 2014 and they now have two kids. There is no shade in the backyard.

Chair Rigoni asked if there were any questions for the applicant or staff.

Commissioner Markunas asked if the Building Department has approved the plans.

Patrick Gale responded that he spoke with someone in the Building Department and they have received the plans for review.

Schaffer asked the applicant if he built the fence.

Patrick Gale responded no, it was there when they purchased the house.

Chair Rigoni asked if there was anyone in the audience wishing to comment.

There was no response.

Commissioner Hogan asked the applicant if he has received any feedback from the neighbors.

Patrick Gale responded no other than waving across the pond at his neighbors.

Commissioner Schaeffer stated that she is struggling with this one. The lots are very tight.

Patrick Gale stated that this addition is just two pillars with a roof. It will not impact the wildlife in the conservation easement.

Commissioner Markunas asked about the distance from the fence to the addition.

Patrick Gale responded that he did not have that number.

Commissioner Markunas stated that it seems really tight back there.

Patrick Gale stated that he looked up many designs to accommodate their one year old and three year old. They cannot even play in the back yard. They play in the front yard. His house is also the entrance to the cul-de-sac.

Commissioner Knieriem stated that he believes the neighbors looking down the pond will see his structure sticking out. He asked if they looked into motorized sun shades

Patrick Gale responded that they did research these, but they will not provide enough shade. His brick wall is literally hot to the touch. He added that his neighbor had one of these and when a storm came through it was ripped from the wall and his neighbor is still dealing with that issue.

Chair Rigoni stated the reason for zoning regulations such as this. All of the nearby houses have the same shallow setback and the fence makes it even more of a concern.

Patrick Gale stated that he could actually build a larger detached structure within the zoning regulations. His goal is to match the house. He stated that the sun hitting the water makes the rear wall of his house very hot to the touch.

Chair Rigoni stated that there are many houses in the community that back to water and have a similar situation.

Commissioner Hogan stated that as an option, adding some trees could help provide some shade.

Patrick Gale responded that they would need to be very tall trees and he has not seen such large trees being an option for installation.

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

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5-0)

Motion (#6): Motion to recommend approval of a variation from Article 6, Section B, Part 1 of the Village of Frankfort Zoning Ordinance to permit the construction of a rear yard addition set back 14' 3" from the rear property line, whereas 30' is required in the R-2 zone district, for the property located at 19948 Lily Court in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Markunas

Seconded by: Schaeffer

Denied: (0-5)

D. Public Hearing: 22660 S. Harlem Avenue – Zoning Map Amendment (Rezoning) and Special Use Permit for a PUD (Gracepoint Ministries) (Ref #107)

Mike Schwarz presented the staff report. Briefly summarized, he stated:

- An application has been received to allow a religious retreat center, requiring a special use permit for a Planned Unit Development (PUD).
- The property is currently split-zoned, including AG (Agricultural) and R-2, (Single Family Residential). The entirety of the property would be rezoned to R-2.
- The property is 22.66 acres.
- There are five (5) existing buildings on the property.
- The religious retreat center would not be open to the public.
- PUD's are not permitted in the A-G zone district. A rezoning to R-2 would match the existing zoning to the south (Crystalbrook Subdivision) and allow for the approval of a PUD as a special use.
- There are some existing non-conforming buildings on the site, including a 10,000 square foot accessory structure gym, whereas the ordinance permits accessory structures up to 250 square feet for pool cabanas, pergolas and gazebos and up to 144 square feet for sheds.
- The use would require 1 parking space for every 4 seats.
- Approximately 3-4 times per year, the site may host up to 150 people on the property.
- The proposed parking lot would satisfy the Zoning Ordinance requirement for parking and, according to the applicant, be more spaces than they will realistically need.
- The buildings are heavily buffered by existing trees on all sides, both on the subject property and on the Forest Preserve District lands.
- The applicant would need to secure a permit from the Cook County Department of Transportation and Highways for a driveway onto Harlem Avenue, due to the change in use from single-family residential to a religious retreat center.
- Two motions have been provided for the Plan Commission: A Zoning Map Amendment (rezoning) from the current split zoning of AG and R-2 to all R-2, and a special use permit for a Planned Unit Development to allow the proposed religious retreat center.

Chair Rigoni asked the applicant to come forward. Jonathan Lee and attorney Richard Kavanagh. Mr. Kavanagh noted the uniqueness of the property and that the retreat center would be used by the various ministers of Gracepoint Ministries, who would visit the site during the week and weekends. Mr. Lee stated that the retreat center would only be used by team members and not the public and only for occasional visits. He believed that even when the site would host up to 150 people, that only 33 vehicle parking spaces would be used because most trips will be made by carpooling. The proposed parking lot would provide 43 regular spaces and 2 handicap accessible spaces, meeting their specific needs and the code requirement.

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

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

Mike Prising approached the podium. He stated that his backyard borders the back of the subject property. He asked if the people visiting the retreat center would be university students. Mr. Lee responded that Gracepoint is a collegiate ministry and that the people that would primarily visit the retreat are ministers at various colleges. Most of the attendees would be aged 50 and above, some with families and children, while some attendees would be aged 30-50. Mr. Prising noted that the ministries' website has a lot of pictures with college students and that he is concerned about noise generated during events. He reiterated the applicant's intention to only occasionally have up to 150 people, but asked what would prevent every weekend from becoming a very large gathering. He also asked what physical changes would be made to the site to accommodate the large number of attendees. Mr. Lee responded that their typical college retreats take place in California and involve cabins. The subject property would not be used for college retreats, but rather for ministers who would visit on occasion. Mr. Lee offered his personal cell phone number to Mr. Prising, in the event that there was excessive noise at the property. Mr. Lee noted that several modifications will need to be made to the site to accommodate the change in use, including new fire protection sprinklers and other building permits as needed.

Chair Rigoni noted that if the owners ever intended to construct a new building on site, that it would require a Major Change to the Planned Unit Development, which would require another Plan Commission public hearing and subsequent Village Board approval prior to the issuance of any building permits.

Chair Rigoni asked if anyone else wished to speak. There were none.

Motion (#7): Motion to close the public hearing.

Motion by: Schaeffer

Seconded by: Markunas

Approved: (5-0)

Chair Rigoni asked if the Plan Commission wished to discuss the rezoning of the property from AG and R-2 to all R-2. There was no discussion.

Chair Rigoni asked if the Plan Commission wished to discuss the special use permit for the Planned Unit Development.

Commissioner Schaeffer said that the topic of drainage from the proposed parking lot was covered at the workshop meeting.

Commissioner Markunas asked if the suggested conditions of approval (A-F) are required. Schwarz responded that it would be preferred to have conditions A-F approved as part of the record. Schwarz stated that final engineering plans for the site

had not been completed, because if the rezoning and the special use permit were denied, there would be no need for the applicant to proceed with preparing final engineering plans. He noted that final engineering plans would be required as a condition of any final approval. Schwarz asked if Condition C could be refined, such as implementing a 75' buffer around the perimeter of the subject property in which existing trees would not be removed, in order to maintain the landscape buffer.

Chair Rigoni asked if the landscaping requirements for the parking lot was met. Schwarz responded in the affirmative and that no variances were being sought. Chair Rigoni asked if the number of events held per year could be limited. She asked if the Village limited the number of events for other churches. Schwarz responded that he was not aware of any such conditions on other churches in the Village.

Chair Rigoni stated that the proposed use was unique in that it borders a subdivision to the south, particularly bordering a future public right-of-way once Granton Place is constructed. She recommended a condition that parking be prohibited along Granton Place.

The Commission discussed the topic of tree preservation on the subject property. Richard Kavanagh stated that the applicant is not intending to remove any trees along the south and west property lines. The Commission discussed adding a condition that all trees on the property, except those within 100' of the three main buildings, shall not be removed unless they are dead or diseased.

Motion (#8): Recommend that the Village Board approve a Zoning Map Amendment (Rezoning) from AG and R-2 to all R-2 for the property located at 22660 S. Harlem Avenue, in accordance with the public testimony and Findings of Fact.

Motion by: Schaeffer

Seconded by: Markunas

Approved: (5-0)

Markunas recommended adding a condition that parking be prohibited along Granton Place. Schwarz recommended a condition of "no offsite parking" instead. The Commission agreed.

Motion (#9): Recommend that the Village Board approve a Special Use Permit for a Planned Unit Development (PUD), including an exception from Article 6, Section B, Part 1 of the Village of Frankfort Zoning Ordinance which requires a minimum 100-foot lot width standard, and from Article IX, Section 9.5 of the Village of Frankfort Land Subdivision Regulations, which requires lot dimensions to conform to the requirements of the Village of Frankfort Zoning Ordinance, to allow continuation of a lot which has zero street frontage, as well as any other exceptions as may be necessary, to accommodate a proposed religious retreat center, for the property located at 22660 S. Harlem Avenue, in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following conditions:

- a. Subject to Village approval of the required final engineering plans for the proposed parking area;

- b. Subject to Village approval of the required landscape plan/tree preservation plan;
- c. Subject to preservation of the existing trees and vegetation around the perimeter of the property, specifically that all trees, except those within 100' of the three main buildings, shall not be removed unless they are dead or diseased;
- d. Subject to Village approval of the required site lighting photometric plans for any proposed exterior lighting;
- e. Subject to Cook County Department of Transportation and Highways approval of any necessary permits related to the driveway entrance on Harlem Avenue
- f. The submitted Plat of Survey and Site Sketch Plan shall be the approved site plan for the Planned Unit Development.
- g. There shall be no off-site parking.

Motion by: Markunas

Seconded by: Schaeffer

Approved: (5-0)

E. Public Hearing: Olde Stone Subdivision 1st Addition (Ref #108)

Chris Gruba presented the staff report.

Chair Rigoni asked the applicant to come forward.

Mark Berardelli and John Garcia approached the podium.

Chair Rigoni asked the Commission if they have any initial questions for staff or the applicant.

Knieriem asked the applicant if there is any detention.

Mark Berardelli responded that it is shown on the screen as Outlot A.

Knieriem asked why the overall parcel is a flag lot.

Mark Berardelli responded that it has always been there.

Knieriem added that it is just an odd shape and wondered if it was there for some reason. What is the plan for it? Will anything go on it? Drain tile, etc.

Mark B. responded no.

Knieriem asked if there is any provision for park or recreation land.

Mark B. responded no, the Park District is requesting cash-in-lieu for this project.

John Garcia added that there is a small park in the existing Old Stone Village.

Chair Rigoni asked if there were any other comments or questions from the Commission.

There were none.

Jack Johnson, a nearby resident, approached the podium. He asked if there could be use of recapture or eminent domain to make the road connection to Wolf Road through the church property.

Mark B. responded that they have reached out to the church and the request needs to go through the national church. They are still working on it.

Jack Johnson stated that these new homes will add to the existing traffic already in the neighborhood. He added that he was surprised that the Fire District has not objected to the single point of access. Someone in the neighborhood shared a flyer with him that suggested that the flag portion of the overall parcel should be used to provide a second point of access to Wolf Road.

Chair Rigoni asked who shared the flyer.

He responded that he did not know. It was a tri-fold flyer.

Chair Rigoni asked staff if they have seen this flyer.

Mike Schwarz indicated that they have not.

Jack Johnson stated that he had concerns about the average lot size and came up with 17,995 sf. He stated that there is a big disparity when coming in past the recent lot consolidations. He stated that the back of some of the proposed lots within the public utility and drainage easement should not be used in the average lot size calculation. He suggests that the lots should follow the shape of the drainage easement. The pond on Outlot A should be elongated. He has an issue with an existing easement. He stated that there is nowhere in Olde Stone that has a straight run. There are no hard ninety-degree intersections in Olde Stone. The character is lacking. This is not very unique. There must be a requirement that every provision of the Olde Stone CCR's should be mirrored. Along the FAA tower, the neighborhood has a berm. He did not see a berm along this project. When we met three years ago, Commissioner Petrow suggested to the applicant that maybe they should go for an R-1 zoning. He believes that if this addition goes through, it will negatively affect Olde Stone Village.

Karen Kolovitz, an unincorporated property owner who has lived there 30 years can provide some background on why the flag is there. It was there when they purchased the property. Over the creek the road must accommodate the largest fire trucks. That flag portion of the overall property often floods and it would not be feasible to use it for ingress and egress. The person with the flyer had a good idea but it is not feasible.

Knieriem asked if she is south of the flag.

She stated that is correct. It is a 5 acres parcel.

Vincent Ferro, lives on Vienna Way. He had previously tried to purchase this parcel and works in the construction business. He estimates that the cost to build that bridge along the flag to Wolf Road would cost more than one million dollars and would be cost prohibitive. He estimates there will be hundreds of loads of dirt to raise the site, up to 3,000 cubic yards to bring fill into the site. If there are going to use their existing roads, are they going to pay for the repairs?

Victoria Atkins, president of the HOA, stated that she immediately contacted the HOA management company and they did not know about the proposed subdivision. She requested that there be a tabling in order to allow the attorneys time to review this.

Ms. Gazino stated that she lives on the bend and has three kids. It will not be safe.

They pay a lot of money to maintain their entrances and why should their HOA be able to join them.

Jeff Buric, nearby residents are concerned about construction traffic and pollution. Concerned for safety of kids. Wants to enjoy their homes with dust. Agrees with Jack Johnson that you don't see a straight run of homes in Olde Stone.

Chair Rigoni asked if there were any other members of the audience wishing to make a comment.

There was no response.

Schaeffer made a motion, seconded by Hogan to close the public hearing.

Motion (#10): Motion to close the public hearing.

Motion by: Schaeffer Seconded by: Hogan

Approved: (5-0)

Chair Rigoni asked the applicant and representatives to approach the podium and begin answering the questions that came up, in no particular order.

Brain Hertz, of MG2A explained the drainage swale and berm along the rear of Lots 5-8.

There was some discussion about whether or not the areas along Lots 5-8 beyond the broken line shown on the plat is usable.

Brian Hertz responded that the Village does not allow any improvements in drainage easements.

There was discussion about the rear of those lots being included in the average lot size calculation.

Commissioner Schaeffer asked if the squares shown within each lot are just the buildable area where a house could sit.

Brian Hertz responded yes.

Chair Rigoni asked if they could respond to the construction traffic.

There was some discussion about whether or not Olde Stone streets have their final top coat or are just binder.

Mike Schwarz stated that staff can review the original Olde Stone annexation agreement to see if there is any language about the timing of the final top coat based on a percentage of homes being built, etc.

Chair Rigoni explained to the audience members that this proposed HOA will be paying for its own detention pond. The Village maintains the Olde Stone Village detention ponds.

Commissioner Knieriem asked the applicant if they are not able to work out an agreement with the church, where do you go from there?

Mark Berardelli stated that the Comprehensive Plan and the original Olde Stone Village Subdivision call for the development of this property. The Village also did a good job with the annexation agreement for the church, which requires the construction of a roadway connection to Wolf Road if the church property is ever developed.

There was some discussion about how the original Olde Stone Village Subdivision was developed without a second point of access and if there were options for achieving a second point of access for the proposed addition, possibly by approaching the county for use of the FAA tower parcel.

Commissioner Hogan commented on the existing situation.

Commissioner Schaeffer stated it would be nice to have another access point, but maybe this can be addressed with a future phase.

Mike Schwarz explained that the annexation agreement will include a provision that addresses Lot 16 being held open for the cul-de-sac until such time that Vienna Way can be extended to Wolf Road through the church property. He added that a note can be added to the plat stating this as well and the plat itself shows that the right-of-way touches the north property line.

Commissioner Markunas stated that he has a problem with the lack of a second point of access. That needs to be in place before anything can happen on this property.

Chair Rigoni stated her concerns with not having a second point of access. She stated that all options need to be explored and exhausted including discussions with the county for use of the FAA tower parcel for emergency access.

Chair Rigoni stated that she has a concern about Outlot D for potential future pedestrian access to the west which runs between Lots 9 and 10.

Mike Schwarz explained the rationale for staff having it on the plat. There was consensus that this be removed as it is only 10 feet wide and the owners of Lots 9 and 10 will claim this area as their own.

Mark Berardelli stated that he supports removal of Outlot D which will allow slightly larger Lots 9 and 10.

Chair Rigoni asked for comments regarding lot sizes.

There was some discussion about the inclusion of the drainage easements along the rear of Lots 5-8 being used in the lot area calculation.

Commissioner Hogan asked the applicant if they considered slightly larger lots.

Mark Berardelli responded that even with slightly larger lots there is not much they can do with the alignment of the street.

There was some discussion about possibly meandering the road or maybe adding an elongated boulevard section that divides the lanes of traffic to lessen the visual impact of the straight alignment.

Mike Schwarz added that a boulevard would need to be vetted with the Department of Public Works.

Chair Rigoni stated that the CCR's must match the original Olde Stone Village CCR's. These should state that all common area maintenance will be the responsibility of the HOA.

There was discussion about the various motions and re-opening the public hearing so that a new notification is not necessary.

Motion (#11): Motion to reopen the public hearing.

Motion by: Schaeffer

Seconded by: Markunas

Approved: (5-0)

Motion (#12): Motion to table the public hearing until April 14, 2022.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5-0)

F. Public Comments

Chair Rigoni noted that there were no members of the public remaining in attendance so there are no public comments.

G. Village Board & Committee Updates

Schwarz noted that no matters that previously came before the PC/ZBA were acted upon by the Village Board at its meeting on March 21.

H. Other Business

Chair Rigoni noted that there was no other business.

I. Attendance Confirmation (April 14, 2022)

Chair Rigoni asked the Commissioners to notify staff if they will not be in attendance on April 14th.

Motion (#13): Adjournment 10:25 p.m.

Motion by: Markunas

Seconded by: Schaeffer

Unanimously approved by voice vote.

Approved April 14, 2022

As Presented X As Amended _____

Maura A Rigoni /s/Maura Rigoni, Chair

Christopher Brubaker s/ Secretary