



## MINUTES

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

April 13, 2023 –VILLAGE ADMINISTRATION BUILDING

432 W. NEBRASKA STREET

- Call to Order:** Chair Rigoni called the meeting to order at 6:30 PM
- Commissioners Present:** Chair Maura Rigoni, Brian James, Dan Knieriem, Nichole Schaeffer
- Commissioners Absent:** Will Markunas, David Hogan, Jessica Jakubowski
- Staff Present:** Director of Community and Economic Development Mike Schwarz, Senior Planner Chris Gruba, Planner Drew Duffin
- Elected Officials Present:** None

#### A. Approval of the Minutes from February 23<sup>rd</sup>, 2023

**Motion (#1):** To approve the minutes from February 23<sup>rd</sup>, 2023.

Motion by: Knieriem                      Seconded by: Schaeffer

Approved: (4-0)

#### B. Plat of Resubdivision and Minor Change to a PUD: Resubdivision of Lots 26-1 and 26-2 in the 1<sup>st</sup> Resubdivision of Lighthouse Pointe Phase 3

Chris Gruba gave the staff report.

Applicant Shawn O'Malley approached the podium and was available to answer any questions.

Chair Rigoni asked if there were any questions from the other members of the Plan Commission.

There were none.

**Motion (#2):** Recommend the Village Board approve a Plat of Resubdivision for Lots 26-1 and 26-2 within Lighthouse Phase 3 in accordance with the reviewed plans, subject

to any technical revisions prior to recording and conditioned on final engineering approval.

Motion by: James

Seconded by: Schaeffer

Approved: (4-0)

**C. Public Hearing: 7 N. White Street – Integrus Development Multi-Tenant Commercial Building (Ref. #107)**

Chair Rigoni swore in all those in the audience who wished to speak.

Chris Gruba presented the staff report.

Chair asked the applicant to come to the stand.

Jim Olguin, the attorney representing the applicant, approached the stand. Also present were Dan Elliot, the applicant, Jason Nuttelman, the architect, and Rick Sanaa, the project engineer.

Mr. Olguin thanked staff for their thorough report.

Mr. Elliot approached the stand and also thanked staff. He explained that he wanted to give some background on project. He has lived in town for five years, and has 20 years of experience in real estate. He knew that there was an opportunity for development in the downtown area. Part of the reason he and his family moved to Frankfort was because of the downtown. Through conversations with others, he had learned that there was a concern that the downtown could become stale over time. In response to that concern, he wanted to add amenities to the downtown in a way that the Village would be proud of, and he felt that this project would achieve that goal. Mr. Elliot added that the proposal before the Plan Commission was very different from other projects he had worked on. He added that his original proposal had been for the property at 2 Smith Street. During that process, he had been asked by the Village Board to relocate his project, to allow for the possibility of two downtown development projects. He noted that there had been many changes to the plans since they were last brought before the Plan Commission, and that a lot of feedback from many people had been taken under consideration. Most recently, the project received a Certificate of Appropriateness from the Historic Preservation Commission. He was proud of the progress he and his team had made with the project, but he said that he ultimately wanted the residents of Frankfort to be proud of it.

Mr. Olguin said that he wanted to reiterate the exceptions they were requesting. One group of exceptions was related to the building and its location on the proposed Lot 1. He explained that when they were negotiating the details of the land that the Village would sell, there was never really an intent for any proposed building to meet the typical setback requirements. The same could be said for landscaping and lighting requirements. Because

the property line was so close to building, he noted that any light fixtures on the building would exceed Village requirements. The next exception was related to the required fencing around the proposed outdoor seating areas along White Street. Fencing in those areas did not seem appropriate, and was a topic of discussion with the Historic Preservation Commission. The important thing to consider was that the proposed outdoor seating areas were small. Another exception they were requesting was in regard to the dimensions of the required loading area. He noted that many delivery vehicles were parked on public right-of-way when making deliveries in the downtown area. The future tenants for the proposed building planned to utilize smaller box trucks, as opposed to the larger semi-trucks commonly seen delivering to the downtown, which could fit within the loading area the applicant was proposing. The last exceptions were related to the proposed signage. These topics were also discussed with the Historic Preservation Commission. Because of the design of the roofline, maintaining a common centerline for all the proposed tenant signage would look wrong. The same was true if all the signs were equally sized. Based on the design of the building, the sign for the southernmost tenant space was enlarged proportionally, so as to fit the larger gable area, which in his opinion looked good. Turning to the requested variation, Mr. Olguin noted that staff had outlined the relevant information available on parking in the downtown. All of the information that was presented showed that there was plenty of parking available for the uses the applicant was proposing. He believed that the code-required parking was overstated for the proposed building. The parking regulations in the Zoning Ordinance were designed for businesses outside the downtown area, in places where walking and cycling weren't options for accessing the site. He added that some of the proposed uses had different peak times, such as the proposed sushi restaurant and proposed dentist's office. In regard to the dentist's office in particular, he noted that the Zoning Ordinance required three parking spaces per exam room. In his opinion, that figure was excessive, as the proposed dentist's office would primarily have children as patients. He stated that he believed there was sufficient parking in the downtown area, and that the overall demand for parking that would be generated would be less than what the code would require. If parking demand did increase, he believed there was sufficient space in the downtown for parking to be added in the future, including on Village owned property. For those reasons, he believed that the requested variation was justified. Mr. Olguin also reiterated that his client and his client's team had spent a lot of time with the Historic Preservation Commission working on the aesthetic aspects of the project, and that it took three meetings to get approval. Between those three meetings they had continually incorporated the feedback from the Historic Preservation Commission, and that the time spent with them had resulted in a better building.

Jason Nuttelman, the architect for the project, approached the stand. He echoed Mr. Olguin's comments about their time spent with the Historic Preservation Commission. He noted that they wanted to respond to the location of the Old Plank Road Trail with the proposed location of the outdoor seating. In a previous set of plans, they had proposed a

90-degree angle on the southwest corner of the building. That had since been changed to an angled corner entrance. They had also relocated the proposed garbage enclosure, and added a connection to the trail from the parking lot. A large portion of the discussions with the Historic Preservation Commission talks were focused on the design and materials proposed for the building. One of the documents they had submitted for the Historic Preservation Commission highlighted the architectural features found in the downtown area that they incorporated into the design of the current set of plans. They tried to incorporate elements from other downtown buildings including dormer windows, glass windows with muntins, headers on windows, building materials, building colors and shingle roofs. Another important set of considerations they made when designing the building was the proposed tenant mix, particularly the proposed sushi restaurant. They wanted to emphasize their space in particular. On the south roofline, he had added some dormers to the metal roof to help soften the appearance of the roof on that side, as well as to introduce natural light into the tenant space. Another change they made was to the wood trellis system, which was designed in response to Prairie Park. He noted that on the page with the elevations for the White Street façade, the proposed materials were listed. The colors that were listed on that page were named dark and light gray, but Mr. Nuttelman explained that the actual materials did not necessarily appear as gray in real life.

Mr. Nuttelman showed the members of the commission the physical material samples they had brought to the meeting, including different colored brick, the composite siding, roof shingles, and metal roof.

Commissioner Schaeffer noted that there was a light and dark tone on the sample for the composite siding and asked which color would be on the building.

The architect noted that it would be the darker tone. He added that the other thing which would soften the appearance of the building would be the addition of the proposed wood planters. They would be made of a softer material, and the plants would be well-maintained and beautiful. On north elevation, they also proposed similar design elements such as gooseneck lights, and another recess for additional landscaping to further soften the appearance of the building.

Commissioner James asked if all the proposed dormers acted as skylights.

The architect responded that only the dormers on the southern roof would be skylights. The others were decorative.

The attorney then gave responses to the Findings of Fact standards for both Special Use Permits and variation, suggesting that the proposed development and tenants would meet the standards laid out in the Findings of Fact for both the Special Use Permits and the variation.

Chair Rigoni asked for initial questions from the other members of the Plan Commission.

Commissioner Schaeffer noted that a bench on the northwest corner of the site plan was going to be removed. She asked if it could be relocated to somewhere else nearby.

Chair Rigoni suggested that the relocation of the bench could be a condition of approval. She asked staff to confirm that the Special Use Permits the applicant was requesting at the time were only for Outdoor Seating and for a Full-Service restaurant, and that there was no current request for Liquor Sales.

Chris Gruba said that was correct. The applicant would be requesting a Special Use Permit for a Full-Service Restaurant with Liquor Sales at the next Plan Commission meeting.

Chair Rigoni asked if there were any members of the public who wished to give comments.

Kirk Nissen, a resident who lives at 49 Elwood Street, approached the stand. He stated that he was concerned with parking and traffic. He said that he had lived on Elwood Street for 42 years. He had no reason to doubt that the proposed restaurants would be successful. One thing he had noticed about the proposed plans was that parking spaces would be lost in order to construct the new building. He noted that the lot behind the proposed building would still be Village owned, meaning that the parking lot would be open to anyone. The lot was currently used for concerts, the Farmer's Market, the car show, Bluegrass Fest, and Fall Fest. If the current proposed building were constructed in that parking lot, he wondered where the customers would park. He also noted that there was only one way in or out of the parking lot, facing Elwood Street. He expected that that part of downtown could become becoming crowded, as it is currently. Folks could get lost. On the west side of White Street, between W. Bowen Street and Elwood Street were many on-street parking spaces which were often filled. He suggested that a similar situation would arise as a result of three new restaurants along White Street. Visibility was limited when driving along that part of White Street because of the parked cars. That problem would increase with the development of this property. Personally, he would not allow on-street parking along the west side of White street. The existing problem would get worse on weekends with the addition of the new development. Parking would also be obscured because of its location behind the proposed the building, which would result in more people parking on the street.

Deborah Hardwick, a resident at 110 Kansas Street, approached the stand. She was concerned about Prairie Park, as she wanted it to remain passive, with no more new seating. She had advocated to keep the park passive in years past. The proposed development would impact the park, and she suggested that the Village would need to get a handle on what could be located near the park. She reiterated that she was concerned about the proximity. She was also concerned about the Old Plank Road Trail users. She

traveled along White Street frequently and would always stop for trail users crossing White Street. She asked if the Plan Commission had considered the sight line impacts the proposed building would have on those using the trail. She recalled that the old proposal had a diagonal corner on the southwest corner of the building, and she had found it comforting to know there was a better sightline for trail users, especially since that part of the trail was pretty heavily trafficked. She wondered how far the outdoor seating could be located from the front of the building. Ms. Hardwick then gave her concerns related to parking. She asked how many employees would work at the four proposed establishments. She noted that Fat Rosie's and Francesca's had quite a few employees. She said that she did not know the size of the proposed sushi restaurant, but she believed it would be comparable in area to Fat Rosie's. She stated that she did not know the number of employees that would work at the proposed sushi restaurant, and did not know how big the restaurant would be. She noted that there is an existing parking lot behind Fat Rosie's and Francesca's, which was full by 9:00 AM, as that was where all the employees for those restaurants would park. In regard to the current proposal, she said that if the proposed building were built, 45 parking spots would remain in the parking lot. If there were 20 employees working at the proposed building, 25 spots would remain, which would not be a lot of space for the residents. By her estimate, there were currently about 15 parking spaces with cars in them each morning. She noted that the parking study had observed employees working downtown would park along Elwood Street. She believed that employees of downtown businesses would not want to walk far from their cars to their jobs, and she was worried they would fill most of the lot behind the proposed building. She was also concerned about traffic moving in or out of that lot, since it was a tight opening, especially during the farmer's market. She stated that parking was a big concern for her, and suggested that the Village needed to look into building another parking lot. She was also concerned with the safety of the trail users. She said that lighting at the trail crossing on White Street was poor and said she wanted brighter bulbs installed for visibility.

Ilene LeRosa, a resident in Suttdonale, approached the stand. She said that she had some concerns about safety and parking. She asked what the plan was for the empty lots the Village owned in the downtown area. She said that from what she knew, work on the Mech House was cost prohibitive. She asked about the properties at the corner of White Street and Elwood Street, as well as the FraMilCo building.

Chair Rigoni explained that the use and sale of Village property was the purview of the Village Board, not the Plan Commission.

Ms. LeRosa asked if the Village Board would consider creating a new parking lot if the Plan Commission approved the current proposal.

Chair Rigoni reiterated that creating a new public parking lot in the downtown would be a decision made by the Village Board.

Ms. LeRosa stated that the parking issue could not be detached from the decision to approve this building. She added that it was a good problem to have.

Dawn Shields, a resident living in Kaffel Court, approached the stand. She asked if other restaurants in the downtown area had outdoor seating located on public property.

Chair Rigoni said that Trail's Edge, Fat Rosie's, and Francesca's all had lease agreements on with the Village to rent space on public right-of-way for outdoor seating.

Ms. Shields asked if there were any liability issues with leasing the space for seating.

Chair Rigoni responded, saying that part of the lease agreement included insurance.

Ms. Shields noted that the proposed uses had changed since the project's initial proposal was brought to the Plan Commission. At first, there was only one restaurant proposed, where there were now three. Three times as many restaurants would mean three times as many deliveries. Downtown residents had complained about trucks making deliveries in the downtown in the mornings. She asked if there were any considerations being made to reduce the noise generated by these trucks.

Chair Rigoni stated that that would fall under the purview of the Village Board.

Ms. Shields asked how close the proposed dumpster would be to the building and the outdoor seating area. Staff noted that it would be located on the southeast corner of the building.

She stated that disposing of raw fish from the sushi restaurant near outdoor seating would likely require extra garbage pickups. She also had concerns about wildlife from the park being attracted to the smells of the garbage enclosure and coming to investigate them. She hoped that the applicant could secure the dumpster lids to prevent animals from getting in. She said that she was mostly concerned about the smell and proximity of the enclosure to the trail and the outdoor seating area. She also asked how the proposed landscaping, outdoor seating, and reduced-width sidewalks would make White Street too congested. She then asked if the applicant was planning to have a drive-thru window for cyclists.

Chair Rigoni said she did not believe the applicant was planning to have a drive-thru window, as there was nothing indicated on the site plan.

Ken Rieman, a Frankfort resident living near the downtown area, approached the stand. He said that he did not know the applicant when the initial Request for Proposals was posted by the Village, but that he did know the applicant's wife at the time. From there, he took an interest in the project and followed the progress of this proposal. He stated that it meant a lot to him when people who lived in Frankfort wanted to support the town. He added that many of the people involved with the building and proposed uses were local to

Frankfort. He commended the applicant for his patience in the planning and zoning process. He said that it was not easy to get projects built in Frankfort, which he believed to be a good thing. He was confident that the Village Board would address the parking concerns raised by other members of the public.

**Motion (#3):** To close the Public Hearing.

Motion by: James

Seconded by: Schaeffer

Approved: (4-0)

Chair Rigoni asked the other members of the Plan Commission if they had any comments or questions related to the proposed restaurant uses.

Commissioner Knieriem said he was in support of the proposal. He believed that there was a for need more restaurants in the downtown area, as evidenced by the hour-long waits at other restaurants on the weekend.

Commissioner Schaeffer agreed, and added that she also wanted to see variety in the restaurants in the downtown, such as daytime grab-n-go type establishments.

Commissioner James agreed. He said that having restaurant options along the trail was desirable. The proposal was also in line with the goal to promote infill development, as mentioned in the Comprehensive Plan.

Chair Rigoni added that restaurant uses would bring people to the downtown, and that they wanted people in the downtown. She asked staff how many outdoor seating areas were proposed.

Chris Gruba explained how the proposed outdoor seating was laid out on the site plan.

Chair Rigoni recalled that for Planned Unit Developments approved in the past, outdoor seating areas would be granted “as identified on the site plan” in the motion.

Chris Gruba explained that he had thought that the Special Use Permit for Outdoor Seating would be applied to the whole site, and had written the legal notice to reflect that. After talking with Village Administration, it was suggested that a Special Use Permit for Outdoor Seating be granted individually to each of the proposed restaurants.

Mike Schwarz added that Village Administration had asked that each Ordinance granting a Special Use Permit for Outdoor Seating be tied to a specific tenant space. The Plan Commission could make one motion to recommend approval of outdoor seating as shown on plans for the three specific units as the Chair suggested, but that individual Special Use ordinances for each restaurant to have Outdoor Seating would be considered by the Village Board.



Chair Rigoni said that since the proposal was part of a Planned Unit Development, the applicants need to have their site plan approved. She added that the proposed tenants might change before the building was open. She noted that the southernmost restaurant space's outdoor seating area was fenced in to meet the regulations for liquor sales and consumption, and that the other outdoor seating areas were not fenced in. She said that liquor could not be served at those outdoor seating areas. She asked the other members of the Plan Commission if they were comfortable with approving the outdoor seating areas in one motion by using the language "as defined on the plan."

The other members of the Plan Commission said they were comfortable with that course of action.

Chair Rigoni noted that the request for a Major Change to the Planned Unit Development went hand-in-hand with the variation request, and that the approval for the Preliminary and Final Plat of Subdivision was separate. She asked if the other members of the Plan Commission had any comments on the proposed site plan.

Commissioner Schaeffer stated that she would like to see the bench that was proposed to be relocated elsewhere nearby. She suggested it be located somewhere along the trail.

Chris Gruba said that it could be made as a condition of approval.

Commissioner Schaeffer also noted that one light pole that has to be removed on the lot. She asked if it would need to be replaced.

Chris Gruba said he was unaware of a minimum lighting requirement for a parking lot.

Commissioner Schaeffer asked if the remaining lights would be adequate to meet code requirements for light levels in the parking lot.

Chair Rigoni noted that the removal of a light pole would become a safety concern. She wanted to be sure there were not any dark spots, especially given that there was a lot of traffic in the area. She asked if any other Commissioners had any comments.

Commissioner James recalled that one of the members of the public has a question about the location of the trash enclosure. He recalled that at the workshop, the trash enclosure was proposed on the east side of the parking lot, closer to the park. The Village asked that it be moved, so trash would not be carried across the lot. He suggested that the Plan Commission require the applicant mitigate potential smell and animal issues as a condition of approval.

Commissioner Knieriem said that he would expect that the proposed uses would not want the trash enclosure to smell either.

Chair Rigoni asked how often trash would be picked up.

The applicant said he expected it would be about twice a week. In regard to the concern about the sushi restaurant, he believed they would do their best to not just throw away product, and that they would take any step they needed to in order to mitigate any concerns about smell.

Chair Rigoni asked the applicant when he anticipated deliveries and garbage pickup would take place.

The applicant said he expected that deliveries would take place in the morning, prior to businesses in the downtown opening. He added that they had located the proposed loading area in the parking lot so as to avoid traffic impacts on White Street. He added that there would be no semi-trucks making deliveries to the site, and that the largest vehicles would be box trucks.

Chair Rigoni asked the applicant to be more specific about what he meant by morning.

The applicant responded that he did not intend morning to suggest a time such as 4:00 AM.

Commissioner Schaeffer noted that there was a trash enclosure near the outdoor seating at the Wine Thief. She said she was not aware of any issues with smell at that location.

Chair Rigoni asked if the alignment of the proposed path connection on the southeastern corner of the site plan was similar to the connection proposed in 2018. She recalled that there were concerns about how that connection was offset from another connection nearby, coming from the south. She said that the parking lot was heavily utilized by trail users. She asked the applicant to make sure the two trail connections lined up. She stated that she also would want to look at where the ADA-accessible parking spots were located, as the spots they were losing were those with the closest access to the Old Plank Road Trail. She acknowledged that there were not many ADA-accessible spots in the downtown, and few of them had direct access to the trail.

The architect said they would confirm the dimensions and design of the trail connection with their engineers.

Commissioner Schaeffer asked if the two trail connections needed to be aligned.

Chair Rigoni noted that the curve in the trail where the connection was proposed was a busy one. She said she would defer to the engineers on the alignment of the trail connection, but she believed that a 90° intersection would be best at that location. There was a need to address also that curve in the trail, since cyclists could be moving quickly around it. She restated that it was a topic discussed at length back in 2018. She noted that there was a positive aspect to locating a building so close to the Old Plank Road Trail, but that it came with extra considerations as well.

The applicant stated that he and his team would accommodate whatever consensus the Village came to on the topic.

The architect added that their design did address the trail, even more so in the most recent revisions.

Chris Gruba clarified that, in reference to the earlier question regarding parking lot light standards, the Zoning Ordinance required a minimum of 0.25 foot-candles across the area of the parking lot. According to the photometric plan, it appeared that that requirement would be met, even with the removal of one light pole.

Chair Rigoni thanked Mr. Gruba for confirming the requirements. She stated that the lot was a public lot, it was important to ensure there was an adequate amount of light. She asked if the other Commissioners had any comments on the architecture or the materials.

Commissioner Schaeffer stated that she was concerned about the proposed colors at first, but that the samples made her more comfortable with the proposal. She acknowledged that the design had come a long way since the workshop. She thanked the applicant for accepting Village feedback and incorporating the design elements seen elsewhere in the downtown. For the sign alignment, she believed it made sense to both the height and size of the sign change for the southernmost restaurant.

Commissioner Knieriem agreed with Commissioner Schaeffer. He added that he appreciated the addition of the planters, and that he thought they would look great.

Commissioner James acknowledged that architectural preferences were subjective. He agreed with Commissioner Schaeffer that the plans had come a long way since the initial submission. He said that the location of the proposed building was an important spot in the downtown, as it is where the park meets the downtown. The building ought to reflect that meeting point. In his opinion, the proposed building did. He added that he was initially torn, and preferred another streetscape at the time, but that he had since changed his mind.

Chair Rigoni said that she thought it was a beautiful building, but that it's not appropriate for this specific location. When she looked at the design of the building, the word "contemporary" came to her mind. She noted that the Historic Preservation Commission was split on whether to approve a Certificate of Appropriateness, where their decisions were usually unanimous. The Historic Preservation Commission looked at 11 standards when evaluating a Certificate of Appropriateness, and their opinions were split on the 2 most relevant standards. In her opinion, there were design elements on the south side of the building which could be softened. She stated that she would also prefer if the two center windows between each tenant entrance were combined to add to the commercial look. She added that the design would not need to replicate what was found in the newer buildings downtown, but that it should draw inspiration from them. She felt that the

building needed more details that would better match the feel of the downtown. She asked staff if there had ever been a request for a sign variation in the downtown.

Chris Gruba said nothing came to mind.

Chair Rigoni noted that a sign variation would require Historic Preservation Commission approval before coming to the Plan Commission.

Chris Gruba added that the proposal was also a Planned Unit Development, but that sign variations were seldom requested.

Chair Rigoni asked the other members of the Commission if they had any comments about parking. She also asked staff if they knew of any plans to expand parking in the downtown.

Chris Gruba said he was not aware of any plans to expand parking.

Chair Rigoni asked about the changes proposed in the 2018 proposal.

Chris Gruba noted that they had incorporated the property to the north in the design, which added parking spaces.

Commissioner James asked if the proposed additional parking would have been owned by the Village.

Chris Gruba confirmed that it would have been.

Chair Rigoni asked if there were any other comments on parking.

Commissioner Schaeffer thanked staff for looking at time-lapse video recordings for parking over the course of a few weeks last summer. She noted that there would be different levels of demand for parking over the course of the day, based on the hours of operation for the proposed and existing businesses.

Commissioner James said that downtown Frankfort had a special events parking issue rather than a parking issue, and that downtown Frankfort held a lot of special events. He understood the concern about employees parking in downtown spaces for extended periods of time, and suggested that the Village Board might look into setting time limits for parking in public lots even though it might be difficult to enforce.

Chair Rigoni stated that she thought 119 required parking spaces was a high figure. She stated that there would be shared parking between the proposed businesses. She liked the idea of putting a building on the east side of White Street, where parking was underutilized. She added that there had been discussion at Village about building another parking lot somewhere else at one point. She thought it would become a more important

conversation as more development took place in the downtown. She asked if there were any comments related to the proposed landscaping.

Commissioner Schaeffer asked if a fourth parkway tree could be installed along White Street.

Chair Rigoni said that planting a tree where the code required one might not be desirable, in order to maintain the sightline at the Old Plank Road Trail crossing.

Commissioner Schaeffer asked if the applicants could plant another tree in another location instead.

Chair Rigoni noted that according to the proposed plans, there would be a net loss of four trees. She asked why each tree was not being replaced.

The applicant explained that the main concern was where the trees would be located.

Commissioner Schaeffer clarified that she did not necessarily want the trees to be replaced on-site, just that they were replaced with trees somewhere.

Chair Rigoni added that they were proposing to remove public trees. She said she would like to see them replaced on a one-for-one basis.

Chris Gruba asked if the Plan Commission wanted to note their preference for certain types of trees.

Commissioner Schaeffer said she would be comfortable with whatever was considered appropriate by the Village.

The applicant asked if they would consider accepting payment in lieu of planting trees.

Chair Rigoni said that staff could work with the applicant to determine the best course of action as far as planting replacement trees on the Village-owned Prairie Park property.

Mike Schwarz stated that the tree planting location decision would be up to the Public Works Department.

Chair Rigoni said that she appreciated the planters along White Street. They added to the beauty of the downtown. She asked if there were any comments from the other Commissioners on lighting.

Commissioner Schaeffer asked if the proposed lights would be too bright.

Chris Gruba said that the proposed building-mounted lights would not be too bright in his opinion, just that it did not meet the code requirements.

Chair Rigoni added that the brightness of the lights at the lot lines were mostly determined by the size of lot. In her opinion, exceeding the light requirements was acceptable as it helped alleviate visibility and safety concerns. She asked if the other members of the Plan Commission had any other comments.

There was some discussion on the various motions before the Plan Commission.

Chair Rigoni asked the applicant what the anticipated hours of operation would be for the proposed uses.

The applicant responded that they would all operate within normal business hours, though their peak times would be staggered.

There was some discussion on the conditions the Plan Commission could add to the motions they would consider.

Commissioner Schaeffer asked if a condition could be added to require a rental agreement for the proposed trash enclosure.

Chair Rigoni said that it would be subject to a lease agreement in the same manner as the outdoor seating.

Commissioner James recalled there was a question from one of the members of the public regarding sightlines on the southwest corner of the building.

Chair Rigoni suggested adding a condition requiring engineering approval related to adequate sightlines for pedestrians.

Commissioner James added that on the submitted plans, the southwest corner of the building was not designed as a right angle, even though the roof had a right angle at that corner.

Mike Schwarz noted that there was an inadvertent error in the legal notice for one of the requested Special Use Permits. He asked the Plan Commission if they wished to defer their vote on the Special Use Permit for a Full-service Restaurant to their next meeting, where they could also make a recommendation on accessory liquor sales. If not, they could vote on the Special Use Permit without accessory liquor sales and vote on the liquor sales separately at the next Plan Commission meeting.

Chair Rigoni said that she didn't want to table the motion, since it was possible to operate a restaurant without liquor sales.

The applicant's attorney stated that they also wished for the Plan Commission to vote of the Special Use Permit for the proposed restaurant, since that approval was an important part of the overall project.

**Motion (#4):** Recommend to the Village Board to approve a Special Use Permit to allow a Major Change to a PUD on Lots 1 and 2 of the Old Plank Trail Commons Subdivision, in accordance with the reviewed plans, public testimony, and Findings of Fact, conditioned on final engineering approval and the following eleven (11) exceptions (page numbers refer to Zoning Ordinance unless otherwise specified):

- a. Front yard setback of 14' required, with 4' proposed (page 127)
- b. Side yard setback (north) of 5' required, with 1.2' proposed (page 127)
- c. Side yard setback (south) of 5' required, with 1.2' proposed (page 127)
- d. Rear yard setback of 10' required, with 0.5' proposed (page 127)
- e. In-ground landscaping required in the front yard, with two landscape planters proposed (page 128)
- f. Fencing required that completely encloses all outdoor seating areas, with no fencing proposed around the western outdoor seating area along White Street (page 86)
- g. One loading space measuring 12'x50' required, with one space measuring 10'x30' is proposed. (page 158)
- h. Light levels up to 0.5 foot-candles along any property line permitted, with up to 6.1 foot candles proposed (page 168)
- i. Four street trees required within the right-of-way of White Street, with 3 proposed (page 32 of Landscape Ordinance)
- j. Wall signage must align along one common centerline (page 37 of Sign Ordinance)
- k. Wall signage up to 15 square feet in area permitted, with one sign measuring 25 square feet (page 37 of Sign Ordinance)

Motion by: James

Seconded by: Schaeffer

Approved: (3-1, Chair Rigoni voted no)

**Motion (#5):** Recommend the Village Board approve a Special Use Permit to allow a 2,800 square foot full-service restaurant use on Lot 1 of the Old Plank Trail Commons Subdivision, commonly known as 7 N. White Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Schaeffer

Seconded by: James

Approved: (4-0)

**Motion (#6):** Recommend the Village Board approve a Special Use Permit to allow a 1,900 square foot carry-out restaurant use on Lot 1 of the Old Plank Trail Commons Subdivision, commonly known as 7 N. White Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Schaeffer                      Seconded by: James

Approved: (4-0)

**Motion (#7):** Recommend the Village Board approve a Special Use Permit to allow a 1,100 square foot carry-out restaurant use on Lot 1 of the Old Plank Trail Commons Subdivision, commonly known as 7 N. White Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: James                      Seconded by: Schaeffer

Approved: (4-0)

**Motion (#8):** Recommend the Village Board approve a Special Use Permit to allow outdoor seating associated with a permitted restaurant, on Lots 1 and 2 of the Old Plank Trail Commons Subdivision, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Schaeffer                      Seconded by: James

Approved: (4-0)

**Motion (#9):** Recommend the Village Board approve a variation for relief of all required off-street parking on Lot 1 of the Old Plank Trail Commons Subdivision, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Schaeffer                      Seconded by: James

Approved: (4-0)

**Motion (#10):** Recommend the Village Board approve the Preliminary/Final Plat for the Old Plank Trail Commons Subdivision, subject to any necessary technical revisions prior to recording.

Motion by: Schaeffer                      Seconded by: James

Approved: (4-0)

Chair Rigoni explained that her reason for voting against the Major Change to the Planned Unit Development was not because she did not like the idea of developing the site. She was in favor of development, as indicated by her votes in favor of the Special



Use Permits. She voted no on the motion for the Major Change to the Planned Unit Development because she felt that the proposed architecture did not meet the standards of the Village. She asked the Village Board to continue to look at the parking situation in the downtown.

Mike Schwarz made the Plan Commission aware that the draft ordinances approving the Special Use Permits would specify the appropriate new addresses assigned to the tenant spaces when there are brought before the Village Board.

There was some discussion on when the proposal would be brought before the Village Board.

Chair Rigoni stated for those members of the public who were interested in the project that the Village Board agendas are posted online, and to keep an eye on them for updates. Monday's Village Board agenda would be posted by Friday evening.

#### **D. Workshop: 20855 S. La Grange Road – Edge Music Academy**

Drew Duffin presented the staff report.

The applicant, Jason Thompson, approached the stand. He said that there will be no entertainment or live performances at the proposed location. His business has been operating for almost two years in an office space in Homer Glen. They have received no complaints during that time, even though they operate near an oral surgeon. Due to advancements in technology, electronic instruments are much quieter, and volume can be controlled more precisely. It was true that the proposed business has the potential to make more noise, but volume is controlled.

Chair Rigoni stated that the Plan Commission could consider a condition for no recitals or performances, as similar conditions have been placed on other Indoor Entertainment and Indoor Recreation uses.

Commissioner Knieriem suggested adding a condition to have soundproofing installed as well.

Chair Rigoni agreed, as the Plan Commission had asked a previous applicant located in the same development to do the same. She added that the current tenants may not have issues with the noise, but that future tenants might have concerns.

Commissioner Knieriem asked the applicant if they were building the interior walls shown on the floorplan.

The applicant said they were not planning to undertake any construction work, and that the walls were currently there. He said that he could add some acoustic panels to the walls to help with noise.

Commissioner James noted that, in regard to a previous Indoor Entertainment applicant in the same shopping center (Facen4Ward), their business was based on the idea of having a lot of people in a small space. He asked the applicant to consider adding some soundproofing materials to the walls.

Chair Rigoni asked the applicant if he had any soundproofing material installed at the Homer Glen location.

The applicant said that they did. He added that his neighbors at that location included oral surgeons and therapists, and that he had not received any complaints.

Commissioner Knieriem asked if the Plan Commission could condition approval on the installation of acoustic panels.

Chair Rigoni said that they could. She added that one of the differences between the present application and the one previously heard by the Plan Commission was in the number of people who would be on-site at once. The current proposed use would have fewer people and their noise would be volume-controlled.

Commissioner Schaeffer asked the applicant to provide photos of the acoustic paneling they would install in the space to be included in the Public Hearing packet.

Commissioner Knieriem suggested the applicant ask his current neighbors if they could write letters of support for the Public Hearing.

Chair Rigoni asked if the Public Hearing date was set.

Staff said that no date was confirmed, but that May 11<sup>th</sup> was an option.

Chair Rigoni told the applicant to ask the landlord to pave the parking lot.

#### **E. Workshop: 99 N. White Street – Quinlan/Aarts Residence**

Drew Duffin presented the staff report.

Kimberly Quinlan, the applicant, approached the podium. She stated she had nothing to add.

Chair Rigoni asked staff if the applicant was requesting any other variances.

Drew Duffin said that the proposed home met all other standards.

Chair Rigoni asked if the request for a variation to reduce the lot area would have been required by any other applicant.

Drew Duffin said that any other applicant would need to make the same request.

Commissioner Knieriem asked the applicant if she owned the property.

The applicant said that they had bought the property from the previous owner roughly six months after they decided not to build on the property.

Commissioner Knieriem asked the applicant how soon they wanted to break ground.

The applicant said as soon as possible.

Commissioner Knieriem asked the applicant include color renderings of the proposed home for the next meeting. He also asked if there was room to sit on the porch.

The applicant said that there would be.

Commissioner Knieriem asked for that detail to be clear in the renderings.

The applicant said they would have that detail.

Commissioner Knieriem asked if the porch was open on the sides.

The applicant said it was.

Commissioner Schaeffer asked what color the proposed shingles would be.

The applicant said they would be gray.

Commissioner James asked about the loss of one parking space on White Street.

Drew Duffin said that the Traffic Advisory Committee recommended the parking space could be removed to accommodate the proposed driveway.

Chair Rigoni noted that each proposal brought before the Plan Commission on this property required fewer and fewer variations. She also said that she appreciated staff and the applicant going through design guidelines for analysis and design, respectively. She also stated her appreciation for the side-loaded garage.

## **F. Public Comments**

There were no public comments.

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

Mike Schwarz notified the Plan Commission of two recent Village Board approvals:

- On March 20<sup>th</sup>, the Village Board approved the 2023 Official Zoning Map

- On April 3<sup>rd</sup>, the Village Board approved an agreement with McGuire, Igleski, & Associates, Inc. to conduct a Historic Buildings Survey in and around the Original Town of Frankfort.

Commissioner Knieriem asked about the purpose of the survey.

Mike Schwarz said that the purpose for the survey was to serve as a decision-making tool, in future cases where property owners wished to construct additions, alter or remove existing buildings. It would be an update to a similar survey done in the 1990s.

Commissioner Schaeffer asked if the survey would only look at the buildings in the H-1 Historic District.

Mike Schwarz noted that the survey boundary extended beyond the H-1 Historic District, and that the specific boundaries were discussed with the HPC.

Chair Rigoni asked if the survey boundary matched the boundaries listed in the Downtown Residential Design Guidelines.

Mike Schwarz said that they mostly followed those boundaries but there are differences.

Drew Duffin noted the boundaries verbally.

## **H. Other Business**

Commissioner Knieriem asked if staff knew what tenants would open up shop at the commercial development at the southwest corner of Wolf Road and Laraway Road.

Mike Schwarz said he was not aware of who the tenants would be, though he had sent some prospective tenants to the property owner.

Chair Rigoni noted the year-end review was in the packet.

Mike Schwarz explained that the review helped summarize the Plan Commission's activities over the previous year.

Commissioner Knieriem congratulated Chair Rigoni on her near-perfect attendance at the Plan Commission last year.

Chair Rigoni asked what the Plan Commission could expect at the April 27<sup>th</sup> Plan Commission meeting.

Staff noted that there would be one Public Hearing for a Special Use Permit for a full-service restaurant with liquor sales for 7 N. White Street and some workshop items.

Commissioner Schaeffer reminded the other members of the Plan Commission that their Statement of Economic Interest forms were due to Will County sometime in May.

**I. Attendance Confirmation (April 27<sup>th</sup>, 2023)**

Chair Rigoni asked the members of the Plan Commission to notify staff if they know they would not be able to attend the April 27<sup>th</sup> meeting.

**Motion (#11):** Adjournment 9:40 P.M.

Motion by: James                      Seconded by: Schaeffer

The motion was unanimously approved by voice vote.

Approved April 27<sup>th</sup>, 2023

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

Maura A. Rigoni /s/ Maura Rigoni, Chair

Christopher Daulton /s/ Secretary