



## MINUTES

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

April 27, 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, Jessica Jakubowski, Will Markunas
- Commissioners Absent:** David Hogan
- 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 April 13<sup>th</sup>, 2023

**Motion (#1):** To approve the minutes from April 13<sup>th</sup>, 2023.

Motion by: Knieriem                      Seconded by: Schaeffer

Approved: (4-0, Commissioners Jakubowski and Markunas Abstained)

#### B. Plat of Dedication for Pfeiffer Road Extension

Mike Schwarz gave the staff report.

Commissioner Knieriem asked if there was a timeline set for the project.

Mike Schwarz said that the Village had looked into construction costs last year. Due to asphalt prices, the Village decided to wait before proceeding with the project. He said there was no firm timeline for construction at this point in time.

Chair Rigoni said that the current item was not a public hearing item, but that she would welcome any comments from members of the public if anyone wished to speak.

There were no comments.

**Motion (#2):** To recommend that the Village Board approve the Plat of Dedication, subject to any necessary additional technical review prior to recording.

Motion by: Markunas

Seconded by: Jakubowski

Approved: (6-0)

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

Chair Rigoni swore in those members of the public who wished to speak.

Chris Gruba gave the staff report.

The applicant, Dan Elliot, approached the podium. He said that he had nothing else to add, but was available to answer questions.

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

There were none.

Chair Rigoni asked if there was anyone in the audience who wished to make public comment.

There were no public comments.

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

Motion by: Schaeffer

Seconded by: James

Approved: (6-0)

Chair Rigoni asked if the other members of the Plan Commission had any other questions.

There were none.

Chair Rigoni asked staff if there were any changes to the proposal between the previous meeting and the current meeting.

Chris Gruba replied that there were no changes.

**Motion (#4):** Recommend the Village Board approve a Special Use Permit to allow a restaurant, full-service, with liquor sales, on Lot 1 of the Old Plank Trail Commons Subdivision, commonly known as 3 N. White Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: James

Seconded by: Schaeffer

Approved: (6-0)

Chair Rigoni said that this case would be brought to the Village Board on May 1<sup>st</sup>.

**D. Workshop: 20500 S. La Grange Road – Sage Salon**

Drew Duffin presented the staff report.

The applicant, Talitha Henison, approached the stand. She said that the salon would have no more than three stylists. She planned to use the office to manage the administrative needs of the business. Her salon offered hair cutting services, nothing out of the ordinary.

Commission Knieriem stated that he had no comments, and that the application seemed straight forward to him.

Commissioner Markunas said that he had spoken with another business owner who operated in the same building. They had observed that the parking lot could get busy there on Fridays and on weekends. He believed that it was a result of spillover parking from the restaurant to the south. He asked if the applicant owned any other businesses.

The applicant said that she did, a salon in Mokena and another in Tinley Park. They operated under the same name.

Commissioner Markunas asked when the salon would open.

The applicant said she would open as soon as she was allowed.

Commissioner James asked who the previous occupant of the tenant space was.

Drew Duffin said he was not sure.

The applicant stated she was also unsure.

Chair Rigoni said she had no questions.

Commissioner James stated that it was common for dental offices to skew the parking requirements for a site. He noted that the subject property never seemed to have a lot of cars. He suggested that it might be worth looking at the code requirement and possibly reducing it in the future.

**E. Workshop: 165 Industry Avenue, Unit 3 – CNC Lawncare**

Drew Duffin presented the staff report.

The applicant, Chad Uthe, approached the stand. He explained that his business Provided landscaping services for Homeowner's Associations, as well as full landscape architecture and construction services.

Commissioner Markunas asked how long the applicant had been in business.

The applicant stated that it was their 24th season.

Commissioner Markunas asked if the business was currently operating in the unit under consideration.

The applicant said that they were.

Commissioner Markunas asked if the applicant was currently using the other parcel for storing material.

The applicant said that he was. He added that the properties were owned by a different landlord when he had first moved in. They were using the northern portion of the property now for outdoor storage. Specifically, they used it to store miscellaneous materials which would come and go frequently.

Commissioner Markunas asked the applicant if he accessed the site off of Industry Avenue.

The applicant said that he did, and that employees would park on east side of the property.

Commissioner Markunas asked if the applicant ever used the driveway on the northeast corner of the subject property.

The applicant said that they do, but only rarely.

Commissioner James said that the proposed use was consistent with other businesses in the area. One of the subject parcels was currently an island, and he thought that a Plat of Resubdivision would make the most sense in order to connect the two subject properties together.

Commissioner Schaeffer asked the applicant to give more detail about what materials were stored in the rear of the property.

The applicant explained that they stored miscellaneous aggregates, brick, stone, and palletized materials on the northern end of the property.

Commissioner Schaeffer asked if he meant bulk gravel when he mentioned aggregates.

The applicant said that he did not, and that those materials were stored on the southern end of the property.

Commissioner Schaeffer asked if they stored any chemicals on site.

The applicant said they did not store chemicals.

Commissioner Jakubowski said that the property owner should combine the lots, and that she had no other comments.

Commissioner Knieriem asked if the applicant would plant any trees or live material on the property.

The applicant explained that they ordered plant material as they need it. Nothing was stored for more than a week. There would be no trees planted or small plant nursery.

Commissioner Knieriem asked the applicant if he was the property owner.

The applicant said he was not, but that the property owner was in the audience. The applicant had been at this location for two years. The previous occupant was a lawn and irrigation company, who had made the set up in the back with storage.

Chair Rigoni asked if the applicant was currently operating at the subject property now and was only asking for the Special Use Permits at this time.

Drew Duffin said that that was the case.

Chair Rigoni asked if the applicant was operating illegally as a result.

Drew Duffin said yes.

Chair Rigoni asked if the applicant had a Business License.

Drew Duffin said that he was not aware of an issued Business License.

Chair Rigoni asked if the applicant was already operating their business with outdoor storage.

Drew Duffin said that was correct.

The applicant explained that he moved into the current space during COVID, and that it was a chaotic time. He said that it should have been taken care of then.

Chair Rigoni asked if there was material being stored on the north side of the property.

Drew Duffin said there was.

Chair Rigoni said that she had gone out to the site, and that the improvements that were there were not typical of what one would see in Frankfort. It looked as though there was a lot of dumping going on the back. Moving forward, she wanted to know what material would be stored on-site, and where.

Commissioner Schaeffer noted that, with respect to outdoor storage, fencing was usually required. She asked if this was this the same in this case.

Mike Schwarz said that outdoor storage had to be screened, even in the I-2 district. Storing uncontained bulk materials would require a Special Use Permit.

Chair Rigoni asked what Special Use Permits were required for the current case.

Mike Schwarz stated that there were two issues. One issue was that there was some bulk material being stored where the building sat. The other issue was that there were two separate parcels, one with a principal use and one with an accessory use. The accessory use was technically not in connection with the main parcel. Staff believed that the property owner was unwilling to consolidate the two parcels.

Chair Rigoni said that, in terms of screening, the current proposal could get out of hand, since there was no defined area showing where material would be stored. Designating a fenced-in storage area would work to contain the stored material. She asked how big the northern parcel was. She said that she was hesitant to approve a blanket Special Use Permit for the entire parcel, and suggested that maybe the storage area should be specified on a plan. She added that there was a clause in the Village of Frankfort Zoning Ordinance which talked about adjacent non-conforming lots. She wanted to make sure that the Special Use Permit for Uncontained Bulk Materials was clear about where material would be stored.

Commissioner Markunas asked the applicant if he had applied for business license.

The applicant said that he had.

Commissioner Markunas asked if that was what prompted the workshop.

The applicant said that it was.

Chair Rigoni asked if there were any other businesses on the southern lot storing materials.

The applicant said that there were none.

Mike Schwarz noted that if the applicant was storing uncontained bulk material, then a Special Use Permit would be required.

Chair Rigoni asked how much extra room would be needed on the northern parcel for outdoor storage. She asked if there was a plan that showed the storage area.

Drew Duffin said that he had received no such plan.

Commissioner Schaeffer asked if the applicant could screen every side of the storage area that needed to be screened other than where the area would be accessed from.

Commissioner Markunas noted that it was hard to see the storage area from the south, east, and west.

Commissioner Knieriem said that he believed the Plan Commission would be overburdening the applicant if they required him to put a fence up against the building. He also asked if the large pile of material shown in the site photos was compost.

The applicant said that it was, and that that material came and went.

Commissioner Knieriem added that it looked as though there was a berm on the north end of the property. He asked the applicant if they were taking material off the property.

The applicant said that they would not be chancing the grading of property.

Chair Rigoni said that her concerns were not so much related to the use, but more about defining where storage would be and how it would be contained.

Commissioner Knieriem observed that the property to the north of the subject property was a retention area and therefore non-buildable.

Commissioner Schaeffer asked if there was a concern with stormwater and drainage in the storage area.

Mike Schwarz noted that the storage area would need to be paved.

The applicant noted that he would prefer to move the pallets rather than pave the outdoor storage area.

Commissioner Markunas asked that the applicant please define where the outdoor storage area would be located for next time.

Commissioner Schaeffer said the applicant should work with staff to make sure the storage area met code and the parameters of the Special Use Permit.

Chair Rigoni also suggested that a condition be added to a future motion that no chemicals or fertilizers were to be stored on-site.

Mike Schwarz said that staff was looking for direction on how to address the situation of the two separate parcels. Staff recommended consolidating the properties, but the property owner was not willing to consolidate. He added that it would take time to get Plat of Consolidation drafted and approved.

Chair Rigoni said that consolidation would be the best path forward, and suggested that the Plat of Consolidation be completed and approved within some amount of time after the Special Use Permits were approved.

#### **F. Workshop: 10043 W. Lincoln Highway – Action Behavior Centers**

Drew Duffin gave the staff report.

The applicant, Jacquelyn Fara, approached the stand. She explained that Action Behavior Centers offered intensive, one-on-one therapy, as well as testing and assessment for children with autism. They wanted to provide an outdoor space that was also a safe environment for their clients where they could work on gross motor skills, such as kicking balls. Their goal as an organization was to get all kids back into the school setting.

Commissioner Knieriem asked staff to clarify which parking spaces the applicant was proposing to remove. He asked if the proposed outdoor space would be used in the winter.

The applicant explained that the temperature would need to be to be over 50 degrees for the children to go outdoors. The reason they were planning to cover all five parking spaces was to prevent someone from parking alongside the play space, which would pose a safety risk. The applicant added that they were proposing a faux wrought iron fence to match what was used by KinderCare. They could also do a privacy fence if that was preferable.

Commissioner Knieriem asked if the proposed fence would be mounted into the ground.

The applicant said that it would be.

Commissioner Knieriem asked if Action Behavior Centers owned the building.

The applicant said they did not.

Commissioner Knieriem observed that the exterior of the building had quite a bit of damage.

The applicant said they were working with the landlord to resolve that.



Commissioner Jakubowski said that she had a concern about safety, with only having an aluminum fence between the play area and the parking lot.

Applicant noted that the building was vacant before they moved in, and that they had spent over a million dollars to renovate it.

Commissioner Knieriem recalled that the Plan Commission had required the Wine Thief to install landscape planters around their outdoor seating area as a preventative measure.

Commissioner Schaeffer asked if the issue with removing an ADA-accessible parking spot could be resolved if the outdoor play area was located on the east side of the entryway rather than the west.

Drew Duffin said that while there is no ADA-accessible parking space on the east side of the entrance ramp, the submitted survey showed that there is a sanitary manhole in that portion of the lot that shouldn't be covered by layer of turf.

Chair Rigoni said that she understood the need for an outdoor area. Her biggest concern was that it would look like an afterthought. It should look like it was always planned to be there. She said that the Wine Thief had no bollards because they looked bad. However, there was still a need for safety. She suggested installing a raised curb, for a more permanent set up. She asked the applicant if they used the south entrance.

The applicant said they would only use it for accessing the outdoor space.

Chair Rigoni asked if they could incorporate that entryway into the design to make the play area look like a part of the main structure. She said that she appreciated it being in the back of the building rather than the front. She did not want the changes to appear temporary, and she did not want to see bollards.

Commissioner Markunas said that safety was the top priority. He asked that the applicant make sure people wouldn't have to walk into a lane of traffic to get to the play area. He also suggested that they propose some safety barrier other than a bollard. He suggested either a raised concrete curb or a brick knee wall with the wrought iron fence on top. He also told the applicant to work with staff to make sure they were compliant with the Americans with Disabilities Act.

The applicant explained that safety was an important priority for them as well, and said that each kid would have a therapist with them whenever they were outside.

Commissioner James asked if the gate to the outdoor area would be on the east side, next to the southern entryway.

The applicant said that it would be.

The applicant explained that they had proposed installing turf on top of the asphalt because some of the children they worked with would put things in their mouth, and they did not want those children to ingest things that weren't edible, such as mulch.

Commissioner James said that he thought the turf and sand fill option seemed like the best idea. He also suggested that they look for opportunities to keep play equipment out of the sun, so that the play area did not appear neglected.

The applicant said that they replace toys when they become outdated.

Commissioner James said he had no concerns about the existing parking. He asked if Action Behavior Centers had set drop off and pick up times.

The applicant said that some kids would start at 8:00, 8:15, or 9:00, while others may only come in the afternoon for half-days. Some might be dropped off by a school bus and added that there were dedicated spots for drop off.

Chair Rigoni asked if traffic moving on and off the site functioned like the KinderCare to the east.

The applicant said that it did.

Chair Rigoni asked how tall the proposed fence would be.

The applicant said it would be four feet tall, and that they were open to different designs of the outdoor area if needed.

Commissioner Knieriem suggested having a strip of landscaping between the drive aisle of the parking lot and the proposed play area. That would provide a curb and plants as additional barriers for traffic.

Chair Rigoni said that she would not want her child to not feel like they were playing in a parking lot. She added that the building was occupied.

## **G. Workshop: 108 Walnut Street – Demolition and New Home Construction**

Chris Gruba gave the staff report.

The applicant, Gabriel Garcia of Ideal Designs, and Jim Sleeman, the builder, approached the stand.

Chair Rigoni asked for comments about the proposed front yard setback.

The Plan Commissioners had no concerns with the proposed front yard setback request.

Chair Rigoni asked what the side yard setbacks were for the existing home.

The builder said that they were 6.2 feet on either side.

The applicant added that the setbacks they were proposing were larger than the existing home, though the setback on the south yard were different due to the strange shape of the lot in the southwest corner.

Commissioner James asked if the proposed side yard setback would be 8.3 on the south yard if the lot were not an irregular shape.

The applicant said that it would be, yes.

Chair Rigoni asked if there were any other comments on the proposed side yard setbacks.

Commissioner Knieriem said that the side yard setbacks they were proposing were better than what currently existed on the lot.

Commissioner Markunas agreed.

Commissioner James asked how much space there would be between the proposed garage and the garage on the property to the south.

Chair Rigoni asked if a certain amount of space was required between the two structures by the Fire District.

Chris Gruba said he was unsure if there was such a requirement.

Chair Rigoni asked staff to make sure that the proposed home met that requirement if it existed.

Commissioner Schaeffer asked if the existing screen fence on the north side of the house would remain.

The applicant said that it would.

Chair Rigoni asked if there were any comments on the proposed lot coverage and impervious coverage variations. She recalled talking at length about those requests when the Plan Commission was considering the property at 217 Nebraska Street, which sat on a similarly sized lot.

The builder noted that the home at 140 Walnut Street had a smaller setback.

Commissioner Schaeffer excused herself from the dais at 8:22 P.M.

Chair Rigoni asked for comments about the proposed lot coverage and impervious lot coverage variations. She asked staff what was included in the impervious lot coverage calculation other than the proposed home.

Chris Gruba stated that the driveway and sidewalks were included in the impervious lot coverage calculation. The sidewalks were narrowed to try and reduce the total impervious area.

There was some discussion of a rear yard setback which the applicant had initially proposed to staff, but which was dropped prior to the workshop.

The builder added that the impervious lot coverage also included the proposed porches.

Commissioner Knieriem asked if the proposed pavers were counted towards the impervious lot coverage calculation.

Commissioner Schaeffer returned to the dais at 8:24 P.M.

Commissioner Markunas stated that he thought the requested amount of impervious area was high when he first saw it, but acknowledged that the lot was undersized for the R-2 zone district.

There was some discussion of previous cases the Plan Commission had considered that had similar lot dimensions.

Commissioner Knieriem said that he was a stickler for the impervious lot coverage requirements in the downtown area because flooding was a big issue around there. He asked if there were any nearby storm sewers.

Chris Gruba said he was unsure.

The builder said he could connect the gutters to storm sewers if it was needed.

There was some more discussion on stormwater drainage.

Chair Rigoni asked what changes could be made to the proposed plans to reduce the impervious lot coverage. She suggested that the driveway might be keeping the impervious lot coverage figure high.

The applicant said that he could make the driveway shorter, but that they would then need to request a variation for the rear yard setback.

Commissioner James noted that the proposed porch and patio were both of reasonable sizes. Those had both been points of discussion with a previous case. The current proposal appeared to have a high impervious lot coverage because of the large home and large driveway.

The builder said that a detached garage would not really work for the proposed home. Other homes nearby had attached garages. They could shorten the driveway by changing to a detached garage, but it would not have a large impact on the impervious lot coverage.

Chair Rigoni said that she thought the attached/detached garage situation was less of an issue since the garage was located in the rear of the home.

There was some discussion about whether pavers were counted as impervious surface.

Commissioner Schaeffer said that she wanted to know how the current proposal compared to past proposals proportionately.

The builder noted that they were giving up a lot of lot area for the required side yards, nearly a third of the total lot area.

Chair Rigoni said that each proposal in the area which had requested a variation from the impervious lot coverage requirement was asking for a larger and larger variation. She wanted to understand the progression of those requests over time.

Commissioner James noted that the property at 143 Kansas Street had proposed more impervious lot coverage on a smaller lot.

Commissioner Schaeffer said that she was more concerned about the impervious lot coverage request than the lot coverage request, since the former had more to do with stormwater infiltration and flooding.

There was some discussion about moving the house further back on the lot to shorten the driveway.

Commissioner Knieriem asked Chair Rigoni if she was more concerned about the proposed setbacks or the proposed impervious lot coverage.

Chair Rigoni said she was more concerned about the impervious lot coverage. The proposed setbacks would improve the impact of the property on the overall streetscape. This was not the case with the impervious lot coverage.

There was some discussion about paving the alley to the west of the property.

Commissioner Schaeffer said that she wanted to understand the proportionality of the lot coverage and impervious lot coverage requests with the existing home and the proposed home. She also would like to see a comparison to other recent cases which made similar requests.

Chair Rigoni asked that the figures for the proposed home be compared to the most recent case that requested a variation for lot coverage and impervious lot coverage in the downtown. She wanted to know how the currently proposed home would look on a lot from a previous approval, and whether they would require a similar variance or a greater variance on that lot.

Commissioner Knieriem added that he wanted to see if there was a nearby catch basin that the home could connect to. He reiterated that water could be a major issue for homeowners in the downtown.

Chair Rigoni asked if there were any comments regarding the request to use non-masonry materials on the first floor of the home.

Commissioners Knieriem and Markunas said they were comfortable with the proposed materials.

Chair Rigoni thanked the applicant for not proposing white siding, as well as for using the proposed metal roof only as an accent.

There was some discussion around brick chimneys.

Chris Gruba said there were none.

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

The builder said that he would look into drainage solutions.

Chair Rigoni thanked the applicant for submitting renderings of the home, particularly those that showed what it might look like along the street.

Chris Gruba asked if the Plan Commission had any comments about trees.

Chair Rigoni asked the applicant to do a tree survey, and to include the trees in the right-of-way. They might be impacted during construction.

The builder said he intended to remove the right-of-way trees and replace them in kind after construction was finished.

## **H. Public Comments**

There were no public comments.

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

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

- On April 17<sup>th</sup>, the Village Board approved the Plat of Resubdivision for Lighthouse Pointe.

Mike Schwarz thanked Chair Rigoni for her work on the Plan Commission and wished her well in her new role as Trustee.

Mike Schwarz thanked Drew Duffin for his work with the Village of Frankfort.

**J. Other Business**

Drew Duffin notified the Plan Commission that staff had approved a minor change to the Cedarhurst Senior Living Planned Unit Development. The changes included five additional parking spaces, the relocation of a light pole, and a new storage shed. There was some discussion about whether the storage shed was disapproved when the original project was voted on by the Plan Commission.

Chair Rigoni thanked Drew Duffin for his work with the Village of Frankfort.

Chair Rigoni thanked the other members of the Plan Commission for continually working together as a group, and for maintaining good relations with one another, even when there were disagreements. That did not always happen with other commissions. She hoped to bring that same quality to the Village Board.

The other members of the Plan Commission all congratulated Chair Rigoni and thanked her for her work.

**K. 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 May 11<sup>th</sup> meeting.

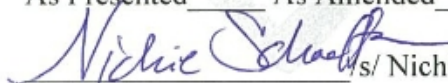
**Motion (#5):** Adjournment 9:58 P.M.

Motion by: Schaeffer                      Seconded by: Markunas

The motion was unanimously approved by voice vote.

Approved May 11<sup>th</sup>, 2023

As Presented  As Amended

 /s/ Nichie Schaeffer, Chair

 /s/ Secretary