



**MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
APRIL 28, 2022–VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET**

Call to Order: Chair Rigoni called the meeting to order at 6:31 P.M.

Commissioners Present: Chair Maura Rigoni, Ken Guevara, Dan Knieriem, Jessica Jakubowski

Commissioners Absent: Will Markunas, Nichole Schaeffer, David Hogan

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

Elected Officials Present: Mayor Ogle, Trustee Rossi

A. Swearing in of new PC-ZBA commissioner Jessica Jakubowski

Mayor Ogle swore-in new PC-ZBA commissioner Jessica Jakubowski.

B. Approval of the Minutes from April 14, 2022

Chair Rigoni noted that several commissioners that were present at the April 14th meeting were not present at tonight's meeting and suggested tabling approval of the minutes until May 12th when they are present.

Motion (#1): Table approval of the minutes until May 12th, 2022

Motion by: Guevara Seconded by: Knieriem

Tabled: (4-0)

Chair Rigoni provided an overview of the meeting process and swore in members of the public who wished to speak.

C. Public Hearing (Continued from April 14, 2022): Olde Stone Subdivision 1st Addition (Ref #108)

Chair Rigoni noted that the applicant has asked for this item to be tabled.

Motion (#2): Motion to table the public hearing until May 26, 2022.

Motion by: Knieriem Seconded by: Guevara

Approved: (4-0)

D. Public Hearing: 14 Hickory Street Unit 14B – Studio C/Frankfort Arts Association (Ref #105)

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

- A special use permit is being requested for indoor entertainment.
- The requested special use permit would allow the Frankfort Arts Association (FAA) to hold events Monday – Thursday. When the FAA is not using the space, the space will be used to host private events including bridal and baby showers.
- The interior space applicable to the special use permit measures 40'x40' (1,600 square feet).
- A portion of the interior space, not applicable to the special use permit, currently contains some business operations related to the BōKAY Flowers business.
- No liquor license is proposed, nor is one available.
- The proposed use would require 27 parking spaces, but this number could change depending on the final interior layout.
- There would be no exterior changes to the building.
- Normal business hours within the Village are 7 am – 11 pm. The applicant is not requesting extended hours.
- Although the staff report outlined four (4) conditions of approval as part of a suggested motion, staff has modified condition number one to be less wordy:
 1. The Special Use Permit for Indoor Entertainment shall be applicable only for the Frankfort Arts Association art gallery and associated classroom space and for the Studio C private event space typically used for bridal and baby showers.
 2. There shall be no performance art activities which involve musical instruments and/or theatrical performance.
 3. Hours of operation for Studio C use of the space shall be 12:00 p.m. to 4:00 p.m. on Saturdays and 1:00 p.m. to 5:00 p.m. on Sundays; and
 4. Hours of operation for the Frankfort Arts Association art gallery and classes shall be from 3:00 p.m. to 10:00 p.m. Monday through Thursday.

Mike Schwarz noted that the suggested limitations on hours of operation are based on the hours that were provided in the applicant's narrative information.

The applicant, Todd Morgan, approached the podium. Summarized, he noted the following:

- BōKAY located to the site 12 years ago and part of the space was used for retail sales of home décor.
- Mr. Morgan acquired 1 N. White Street and moved the home décor business to that location. Some flower creation and products associated with the BōKAY business will remain at 14 Hickory Street.
- Most of the time the parking lot south of the building is empty.

Chair Rigoni asked staff if both the private event use and the Frankfort Art

Association use required the same amount of parking per code. Schwarz responded in the affirmative and noted that the required parking is based upon the building's maximum occupancy, which is dependent on the Fire Code. The parking analysis was based upon a conservative estimate, being an open floorplan with folding tables and chairs.

Chair Rigoni opened the public hearing.

Katie Stempniak, a board member of the Frankfort Arts Association, approached the podium. She mentioned that the FAA would like to host events involving a drum circle for groups of eight people, as well as having someone occasionally playing an acoustic guitar.

Christina Cooley, a member of the FAA, approached the podium. She stated that she would like the FAA's hours to be between 9 am – 9 pm. The gallery would not be open the entire time, but they would like to have 1 – 2 classes per day, between the timeframe of 9 am – 9 pm.

Chair Rigoni asked for a motion to close the public hearing.

Motion (#3): Motion to close the public hearing.

Motion by: Knieriem

Seconded by: Guevara

Approved: (4-0)

Chair Rigoni asked to open the discussion to the commissioners.

Commissioner Knieriem stated that he did not have any issues with the FAA classes being between 9 am – 9 pm. He asked Mr. Morgan if his private events would also occur between 9 am – 9 pm. Mr. Morgan responded in the affirmative. As such, Commissioner Knieriem suggested that the special use permit reflect a 9 am – 9 pm operational window for all uses.

Commissioner Knieriem asked Mr. Morgan if there would be any outdoor uses. Mr. Morgan responded there would not be. Commissioner Knieriem asked Mr. Morgan if the parking lot was still public, even though 10 parking spaces are reserved for the La Salle Street Securities as part of the past sale of the building. Mr. Morgan responded in the affirmative.

Chair Rigoni expressed her concern regarding the overlapping of the indoor entertainment use with the Farmer's Market. Mr. Morgan stated that he would be agreeable to not scheduling any private events until noon or 1 pm while the Farmer's Market was open.

Some discussion ensued in which it was mentioned that the Farmer's Market is generally open between April 15th – October 31st on Sundays only, from 9 am – 1 pm. The Commission discussed that private events could be held 9 am – 9 pm, except

during the Farmer's Market, in which private events could be held from 1 pm – 9 pm.

A representative of the FAA stated that it would be helpful to have the art gallery open, even if there are no classes scheduled, during the Farmer's Market to promote the artists and bring pedestrian traffic further west on Kansas Street.

Motion (#4): Motion to recommend approval of a Special Use Permit for Indoor Entertainment for an art gallery with associated art classes and a rentable event space to be named Studio C, located at 14 Hickory Street, Unit 14B, in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following conditions:

1. The Special Use Permit for Indoor Entertainment shall be applicable only for the Frankfort Arts Association art gallery and associated classroom space and for the Studio C private event space typically used for bridal and baby showers.
2. There shall be no performance art activities which involve musical instruments and/or theatrical performances.
3. Hours of operation shall be from 9:00 a.m. to 9:00 p.m. seven days per week, with the exception that there shall be no private events, programs, or art classes held from 9:00 a.m. to 1:00 p.m. on Sundays between April 1st and October 31st each year.

Motion by: Guevara

Seconded by: Knieriem

Approved: (4-0)

E. Public Hearing: 21218 S. La Grange Road – StretchLab (Ref #106)

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

- The applicant is Tonia Burns.
- The application is for a special use permit for indoor recreation for a health and fitness facility.
- The interior space would have an open studio floorplan.
- The use would require one half of a parking space for each exercise station, plus one space for every 1,000 square feet of activity area, plus one space for each employee during the largest working shift. A total of 17 spaces would be required for the use. There are 610 parking spaces available within the shopping plaza.
- The proposed business hours have not been determined, although they would abide by the Village's regular business hours of 7:00 a.m. to 11:00 p.m.

The applicant's representative, Kelsey Roberts, approached the podium. She stated that the use would have an open floorplan, but that there would be a personalized trainer for each customer. The franchise already has over 140 interested customers before opening. Chair Rigoni asked to confirm the hours of operation. Ms. Roberts stated that it would have similar hours to other Stretch Lab locations, being approximately 9:00 a.m. to 7:00 p.m. However, they would never open earlier than 7:00 a.m. Chair Rigoni asked how long an average customer would stay at the site.

Ms. Roberts stated approximately 1 hour.

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

Motion by: Knieriem

Seconded by: Guevara

Approved: (4-0)

Motion (#6): Recommend that the Village Board approve a Special Use Permit for Indoor Recreation for a health/fitness facility in the B-2 Community Business District, for the property located at 21218 S. La Grange Road, in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following condition:

1. The applicant shall obtain a Business License.

Motion by: Guevara

Seconded by: Knieriem

Approved: (4-0)

F. Workshop: 19948 Lily Court – Gale Variance

Chris Gruba presented the staff report.

Chair Rigoni invited the applicant to the podium.

Patrick Gale approached the podium and provided additional information about the request.

Chair Rigoni asked if any commissioners had questions.

Commissioner Guevara asked if there will be brick on the posts.

The applicant said they would be 6'6' cedar posts.

Commissioner Knieriem asked if the existing brick column will stay.

The applicant replied yes.

Commissioner Knieriem asked about the setback to the fence.

The applicant explained that there will only be an additional 7' of concrete patio.

Commissioner Knieriem asked if the new patio expansion will match the existing concrete.

The applicant stated that he is tearing out all the concrete and putting in new pavers.

Commissioner Knieriem asked how the grade change is being addressed.

The applicant stated that he has worked closely with Adam Nielsen, Building Services

Director.

Commissioner Knieriem asked if there will be a retaining wall due to the grade change.

The applicant clarified that there will be a regrading of the site to level out the area for the addition. There will not be a retaining wall.

Commissioner Jakubowski asked about the dimension of the additional patio being added.

The applicant stated that it is an additional 7 feet from the existing patio.

Chair Rigoni reiterated her concerns about the request. She added that now the addition is getting even wider.

Commissioner Knieriem stated that only a 3-foot reduction from the last request is less than 20 percent.

The applicant stated that he does not believe it will change the character of the home and he is struggling with the sun issues. He presented some temperature readings from various surfaces such as his house wall and outdoor dining table that exceeded 106 degrees this past Saturday due to the sun. He described the “shade line” that moved as the sun went down.

He asked if someone could explain why the same size detached accessory structure is okay, but his addition is not.

Chair Rigoni explained that a detached accessory structure is open sided and does not really add to the bulk of the house. She prefers not to debate with the applicant.

The applicant went on to explain why this addition is so desired. It will be their forever home.

Commissioner Knieriem stated that he likes to go out and look at sites and this is a tough one because it is on private property and is not visible from the right-of-way.

The applicant stated that he is open to any commissioners visiting the site. He asked that they pick a particularly sunny day.

Commissioner Knieriem asked when is the date of the public hearing.

Chris Gruba stated that if the applicant chooses to move forward, the public hearing could be scheduled for the May 26th PC/ZBA meeting.

G. Workshop: 9093 W. Fey Drive – Proposed Pickleball Building

Chris Gruba presented the staff report.

Chair Rigoni invited the applicant to the podium.

Tony Villa approached the podium and provided additional information about the request. There is no other such facility within 20 miles. Patrons will pick a court and pick a time, sign up online and leave. There will be no concessions.

Chair Rigoni asked if any commissioners had questions.

Commissioner Knieriem asked if Tony Villa plays pickle ball and where does he play.

The applicant replied that he does play and goes to another facility in Channahon.

Commissioner Knieriem asked if there is an app for court reservations.

Tony Villa replied that they would like to utilize an app.

Commissioner Knieriem asked about the hours of operation.

Tony Villa stated that they would like to go from 7 a.m. to 9 p.m.

Commissioner Knieriem asked if the applicant would have a problem with coming back later for the outdoor courts.

Tony Villa stated that he would not have a problem with that.

There was some discussion about how far a pickle ball can travel. Tony Villa stated that it is like a whiffle ball, so not very far unless it is windy.

Commissioner Guevara asked about the staffing and security of the building in terms of access.

There was some discussion about the non-staffing business model.

Tony Villa stated that the business model proposes a reservation, non-staffing model. There was some discussion about the monitoring of the users.

There was some discussion about special events, tournaments, etc.

Chair Rigoni asked Chris Gruba about the parking that would be required for a typical permitted industrial use. She noted that if the use ever changed, there is an opportunity to make sure that the building complies with the typical parking demand for a light industrial building.

There was some discussion about the existing baseball fields and how those were approved.

Commissioner Jakubowski stated that she had the same concerns about the proposed use and what it is located next to in terms of industrial uses.

Commissioner Guevara stated that this will be his last meeting, but he added that he suggests that the outdoor courts be removed for the public hearing.

Commissioner Knieriem asked if he was to go with outdoor courts, what type of fencing or screening would he provide.

Tony Villa stated that it probably would be similar to the fencing provided at the parks in Frankfort Square.

Commissioner Knieriem stated that he may have an easier time without the outdoor courts and can always come back later to have those approved.

Tony Villa stated that his takeaway is that the outdoor courts should be removed for the public hearing.

H. Workshop: 11031 W. Lincoln Highway – Everbrook Academy Preschool/Daycare

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

- The proposed use would require a Major Change to two underlying PUD's including the Prairie Crossings PUD and an older PUD that is designated on the 2001 Zoning Map.
- A Special Use Permit would be required for a daycare/preschool use.
- The business is also proposing to open at 6:30 a.m., which is outside of the Village's normal business hours of 7:00 a.m. to 11:00 p.m. Extended hours of operation require approval of a Special Use Permit.
- The proposed site would be heavily landscaped on the north, east and south sides.
- A small portion of the site (the southwest corner) is part of the Prairie Crossings PUD, which contains the Kohl's building and other tenants attached to that building. The majority of the subject property is part of a separate, much older PUD.
- The daycare/preschool center building would measure 12,870 square feet.
- The property is zoned B-4 Office District.
- The Zoning Ordinance does not contain any use standards specifically for daycare/preschool facilities.
- The back of the proposed building would be visible from Route 30 and meets the required setback from Route 30.
- The Zoning Ordinance requires 1 parking space for each employee plus 1 space for every 10 children. The building would have a maximum capacity of 150 children, aged 6 weeks to 12 years, requiring 15 parking spaces. A total of 41 parking spaces are illustrated on the site plan.
- The Village had a previous daycare proposal in 2019 for the Learning Experience. At that time, the staff referenced the parking requirements suggested by the American Planning Association (APA). The parking provided by the proposed Everbrook Academy daycare/preschool meets the Zoning Ordinance requirements as well as exceeds the parking recommended by the APA.
- There would be no curbside drop-off of children; parents would park and escort children inside.
- The southern row of parking for 15 spaces should be dedicated to employees.

- The applicant is seeking a deviation as part of the Major Change to the PUDs to not install the required one (1) loading space.
- The preschool/daycare building would have a fenced 6,000 square foot play area north of the building, between the building and Route 30. This play area also complies with the minimum setback required from Route 30. Staff recommends a higher-quality fence.
- Staff had recommended making a change to the site plan such that the building would be a flipped, mirror image, which would place the play area closer to the bank building and therefore further away from the adjacent Settler's Pond townhomes. The architect responded, noting that the building's design was a standardized layout and could not be mirrored.
- The site plan illustrates a storage shed in the outdoor play area but no details have been provided.
- A landscape plan was submitted that appears to meet code requirements. A detailed analysis will be required to verify compliance. The landscape plan does illustrate a fair amount of landscaping between the proposed preschool/daycare and the existing townhomes to the east.
- A tree survey will be required illustrating which trees would be removed on the subject property.
- The site plan has not yet been reviewed by Robinson Engineering, but this would be required prior to the public hearing.
- The site plan appears to not exceed the maximum impervious coverage of 70%, but this figure will be verified with future revisions.
- The building height is under the maximum height of 35'.
- Each of the proposed signs do not comply with the Sign Regulations in the Municipal Code.
- Previously approved plans for two professional office buildings on this property were presented for comparison with the present proposal.

Chair Rigoni asked if the applicant wished to speak. Tom Williams approached the podium, who represents the owner.

Mr. Williams explained that Everbrook is part of a company based outside of Detroit. Everbrook is their highest quality of childcare brands. They only construct new buildings for childcare; they do not move into existing, previously used tenant spaces.

Chair Rigoni asked the commissioners to first comment on the Special Use Permit request.

Commissioner Knieriem stated that he was in favor of the use of the property as a daycare/preschool. However, he would like the front of the building to face Route 30, since this façade will be the most visible to residents and visitors. He would also prefer that the playground should not be visible from Route 30, as currently proposed. He'd like to see a perspective rendering view from Route 30, which would include

illustrating the proposed fence with playground equipment. He was concerned that the fence and playground equipment may appear unprofessional, with visibility from Route 30.

Mr. Williams stated that a 6' tall opaque, white fence could be an option. Due to the layout and shape of the existing parcel, it would be difficult to orient the building to face Route 30 and place the playground south of the building and out of view.

Commissioner Knieriem also felt that the box wall signs looked unattractive and that a higher-quality design would be preferred, especially since this location is an entryway into the Village.

Mr. Williams stated that he could prepare a 3-D rendering of the building to better illustrate the site layout.

Chair Rigoni stated that a playground would be visibly unattractive when viewed from Route 30. She recommended using an ornamental fence with brick columns, similar to the fencing used for the Olde Stone Village subdivision. She noted that Route 30 does not have fencing within the Village. She also suggested reorienting the building so that the back of the building was not facing Route 30, and/or upgrading the materials and design facing Route 30 and to try to get the proposed building to complement the other buildings within the Prairie Crossings PUD. Chair Rigoni also added that the black and white elevation drawings that were submitted do not match the color drawings. Lastly, the proposed fencing could be made of faux wrought iron.

Commissioner Jakubowski stated her concern for the back of the building being visibly prominent to Route 30 and that a different style of ornamental fencing should be used for the playground. She listed Olde Stone Village and the Fordon townhomes as examples of fencing that would be more appropriate.

Commissioner Knieriem asked if the Everbrook brand is insisting on the color palette proposed. Mr. Williams said that it was not and that Everbrook chose a lighter color to better match the existing bank building. Commissioner Knieriem asked if window dormers could be incorporated into the roofline, because it seemed like there was a large expanse of uninterrupted roof on the building.

Chair Rigoni asked if there was a signage plan for the existing PUD. Mike Schwarz responded that the subject property is mostly outside of the Prairie Crossings PUD and as such, would be creating their own sign plan for the daycare, which would not be identical to the Prairie Crossings PUD signage. She asked if the subject property would have its own ground sign. Mike Schwarz noted that per discussions with former staff, that the subject property should not have its own ground sign, but rather it should have a tenant panel installed on the existing ground sign at the entrance to Prairie Crossings along Route 30.

Mr. Wilkins stated that a ground sign definitely would be sought for the daycare/preschool and that business would be negatively impacted without one.

Commissioner Knieriem asked if the Sign Code would allow for a wall sign on the west side of the building. Mike Schwarz stated that it would not. He stated that a wall sign on a façade that does not face a public right-of-way or have frontage on a main point of access of ingress/egress in the property would be a deviation from the Code. Commissioner Knieriem said he would prefer that all wall signage on the west elevation be eliminated.

Commissioner Guevara stated his concern regarding a fence being placed along Route 30. He noted that although the site will have landscaping, the landscaping will be located lower on the hillside such that the fencing will still be visible from Route 30. He noted that landscaping should be added in front of the fence to screen it as much as possible, even if this meant exceeding the requirements in the Landscape Ordinance.

Chair Rigoni noted that she felt that the business opening at 6:30 am would be acceptable.

Commissioner Knieriem stated that the bank building has aesthetically appealing light poles. He asked when the applicant wanted to begin construction. Mr. Williams responded that they would like to move forward quickly, proceeding to a public hearing in June and obtaining Village Board approval shortly thereafter. They hope to begin construction in September, with a roof installed before winter. There would be a 9-month construction time, in order to open by June 2023.

Chair Rigoni asked if Everbrook would have vans on site for children. Mr. Williams responded that they would not; families would drop off and pick up children.

Mr. Williams asked when the public hearing would occur. Chair Rigoni noted that staff would determine whether a second workshop would be needed or if it would proceed directly to a public hearing. Mike Schwarz noted that May 26th would be the soonest available meeting date for a public hearing.

I. Public Comments

Chair Rigoni asked if anyone wished to speak during public comments. No one in the audience wished to speak.

J. Village Board & Committee Updates

Mike Schwarz noted that no matters that previously came before the PC/ZBA were acted upon by the Village Board at its meeting on April 18th.

K. Other Business

Chair Rigoni noted that there was no other business.

L. Attendance Confirmation (May 12, 2022)

Chair Rigoni asked the Commissioners to notify staff if they will not be in attendance on May 14th, which will be entirely dedicated to Plan Commission training. Knieriem noted that he would not be able to attend.

Motion (#7): Adjournment 9:43 p.m.

Motion by: Knieriem Seconded by: Guevara

Unanimously approved by voice vote.

Approved April 28, 2022

As Presented _____ As Amended X

Maura A Rigoni /s/Maura Rigoni, Chair

Christophe Anole s/ Secretary