



MINUTES

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

May 25, 2023 –VILLAGE ADMINISTRATION BUILDING

432 W. NEBRASKA STREET

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

A. Approval of the Minutes from May 11th, 2023

Chair Schaeffer asked for discussion regarding the minutes. Commissioner Wallrich stated that she had multiple changes proposed and a copy of these edits were printed off for each commissioner. The changes were reviewed one at a time.

Motion (#1): To approve the minutes as amended from May 11th, 2023.

Motion by: Jakubowski Seconded by: Wallrich

Approved: (4-0, Commissioner Jakubowski abstained)

Chair Schaeffer swore in members of the public who wanted to provide testimony.

B. Public Hearing: 20500 S. La Grange Road, Unit 6A – Sage Salon

Mike Schwarz presented the staff report.

The building owner, Harry D’Ercole, approached the podium. He said that the applicant is actually Talitha, but that she couldn’t attend. He said that he does have a cross access agreement and shared parking agreement with the Dancing Marlin property. Overflow patrons typically park at Dancing Marlin during the day and vice versa in the evening. He said that there is a strip of land in the back of his property that he intends to eventually

pave for additional parking spaces. He said that this application for Sage Salon began before he purchased the building.

Chair Schaeffer asked Mr. D'Ercole where the additional parking spaces would be paved on his property. He said there is a strip of grass on the far west side of his property adjacent to an existing single row of parking spaces, which would become a double row of parking.

Commissioner James asked how long Mr. D'Ercole has owned the property. He replied 8 months.

Commissioner Wallrich said that she did some research and was able to contact the dentist office, which has a total of 5 exam rooms. She said she also spoke with 3 of the tenants, which were all very complementary of the salon. She said the tenants' most common comment was that restaurant patrons park on their property and that it can be congested. She asked Mr. D'Ercole if there was a cross access *and* a shared parking agreement in place. Mr. D'Ercole replied yes. Commissioner Wallrich asked if Mr. D'Ercole could provide a document in writing to this effect. Mr. D'Ercole said that he would look for it. She suggested that a sign could be installed on their property stating that parking was reserved for tenants and that all others would be towed, which could become a condition of approval. Mr. D'Ercole said he was surprised that the tenants said that parking was an issue. Commissioner Wallrich said that the tenants told her that parking was a concern between 1:30 pm and 7:00 pm. She asked Mr. D'Ercole if he would be open to installing signage on his property to regulate the parking. Mr. D'Ercole replied yes.

Commissioner Wallrich said that she was concerned that Sage Salon has been operating without a business license. She said that this may be a broader issue with the business license process in the Village. Mr. D'Ercole said that there is an existing salon in the building and that there may have been confusion that the applicant could have used the same business license as the other salon. Commissioner Wallrich also said she thought that the ADA parking spaces may not have vertical signposts above them as is required.

Commissioner Jakubowski noted that a shared parking agreement and assigned parking is in place across the street in the plaza that has Enrico's and that it doesn't help much to improve the parking situation.

Mr. D'Ercole said that he invested in his property by adding a new roof, new siding, new windows, and \$30,000 worth of parking lot improvements last fall. He said that landscaping will be improved in the near future.

Chair Schaeffer asked if there was anyone else in the audience that wished to speak. There were none.

Motion #2: Close the public hearing.

Motion by: Jakubowski

Seconded by: James

Approved: (5-0)

Chair Schaeffer asked staff if there had been any changes to the plans since the workshop.

Mike Schwarz responded that there were no changes.

Chair Schaeffer asked the commission if there were any comments regarding the operating times. There were none. She asked the commission if there were any comments regarding the use. Commissioner Knieriem said that the use was appropriate for the location and that there was another salon existing in the building.

Chair Schaeffer asked staff if they had applied for a business license. Mike Schwarz responded that they had. Commissioner Wallrich asked if business license requests are submitted to the planners. Mike Schwarz responded that they are typically first submitted to the Building Department and sometimes forwarded to the Planning Department.

Chair Schaeffer asked if there were any comments regarding parking. Commissioner James said that maybe the Commission should add a condition that shared parking/shared access documents be provided. Commissioner Wallrich said that the proposed business and tenants do not meet the required parking at this time and that it should be addressed at this time. She said that if Mr. D’Ercole does have a shared parking agreement then she would be much less concerned and that this document should be a condition of approval. She asked staff to provide an analysis of parking for the other buildings located to the west and south of the subject property. Mike Schwarz responded that they had analyzed parking. He noted that the PC/ZBA could adjust the parking requirements if needed as stated in the Zoning Ordinance. Commissioner Wallrich said that if parking becomes a problem, then the owner should install additional parking spaces. Mike Schwarz expressed concern about how such a condition could be enforced for this particular tenant. Chair Schaeffer said that there have been other Special Use Permits that have been reviewed by the PC/ZBA for which proof of shared parking was not made a condition of approval. She said that she does not want to add any conditions of approval for this particular unit. Commissioner Jakubowski and Knieriem agreed. Commissioner Wallrich said that adding such a condition would not prevent the applicant from opening. Mr. D’Ercole said he would do his best to obtain a shared parking, shared access agreement. Chair Schaeffer said that she does not want to assign parking to the unit or grant a parking adjustment at this time. Commissioner Jakubowski said that there may only be a “gentleman’s agreement” in place now, but that she is not in favor of requiring a shared parking/shared access agreement as part of a condition of approval.

Motion (#3): To Recommend that the Village Board approve the request for a Special Use Permit for Personal Services to operate a hair salon at 20500 S. La Grange Road, Unit 6A, Frankfort, IL, 60423 (PIN: 19-09-16-400-031-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, and conditioned upon the submittal of a shared parking or cross access agreement with the property to the west.

Motion by: James

Seconded by: Wallrich

Approved: (5-0)

Schwarz said that he will work with the Building Department and applicant to make sure that the ADA spaces would have the required ADA signposts installed behind them. He said that if there is an official shared parking and cross access agreement in place that it should show up on a title report.

C. Public Hearing: 9503 Gulfstream Road, Unit A – Nerradical Ridez LLC

Mike Schwarz presented the staff report.

Chair Schaeffer asked the applicant to come forward.

Darren Harris, applicant, and Theresa Hicks-Harris, his wife, approached the podium.

Chair Schaeffer asked the applicant to tell the members a little more about the business.

Darren Harris stated that he specializes in customizing motorcycles for parade usage. His business is by appointment.

Chair Schaeffer asked if he does this type of business now.

Darren Harris replied yes. He wants to move to a different space. He has been in business for 20 years.

Commissioner Knieriem asked the applicant if he is doing any paintwork.

Darren Harris replied no. There is no paint work.

Commissioner Knieriem asked the applicant if there is any storage outside.

Darren Harris replied no.

Commissioner Knieriem asked the applicant where he is located now.

Darren Harris replied nowhere. He has been doing business out of his house.

Commissioner James asked if people will be bringing bikes on trailers.

Darren Harris replied that some will ride in, but most of the motorcycles will come in on trailers.

Commissioner Knieriem asked the applicant if there will be cars coming in and out on a daily basis.

Darren Harris replied not so much.

Commissioner Wallrich asked the applicant if any trailers would be stored outside.

Darren Harris replied no.

Theresa Hicks-Harris, wife of the applicant, stated that the business is more of a boutique. Customers will trailer in their bike, then roll out the bike from the trailer and it goes into the garage.

Commissioner Wallrich stated that she went out to the site 3 times and did not observe any parking issues. She doesn't know how gravel is out there behind the building. It's a nice industrial park, not a lot of outdoor storage, great landscaping, brick requirements, etc. She is worried about 3 abandoned vehicles in the back. Are these owned by the property owner? This is probably not the applicant's problem.

Commissioner Wallrich stated that this is the Plan Commission/Zoning Board of Appeals' opportunity to make things right. People can move in and out, and if there's a parking issue, not every business requires a special use, so the Plan Commission/Zoning Board of Appeals won't be able to effect change on this. It is not legal to park on gravel in the Village. She doesn't think that this parking lot has ADA signage behind the ADA parking spaces either out there, and asked staff to please look into this.

Commissioner Wallrich asked the applicant if there would be any retail sales.

Darren Harris replied that he is mostly a service business, but he might have some sales. They'll order parts online.

Mike Schwarz stated that according to his conversations with the applicant, parts and accessories for the motorcycles will be purchased and then installed. There will not be any retail sales of motorcycle parts, or any parts displays for the public.

Motion #4: Close the public hearing.

Motion by: Wallrich

Seconded by: James

Approved: (5-0)

Chair Schaeffer asked the other members for discussion.

Commissioner James stated that this is consistent with other mechanics in the area.

Mike Schwarz stated that there is a Plat of Survey attached to the staff report, dated August 2000, which shows that there was gravel behind the building back then. He added that gravel is not allowed so this is an existing non-conformity. There should also be no outdoor storage.

Chair Schaeffer asked staff if there are any issues with stormwater or drainage.

Mike Schwarz replied that he is not aware of any existing issues. The Zoning Ordinance allows 80% of maximum impervious if the owner were to pave it.

Commissioner Wallrich asked staff if they spoke to the property owner about paving.

Mike Schwarz stated that he did not but could certainly do so if the members desire to require pavement of the gravel area as a condition of the tenant's requested Special Use.

There was some discussion among the members regarding paving. There was consensus that if the property owner made major improvement to the building, then yes, they would address paving, but for this requested Special Use, there is no desire to add a condition requiring paving the gravel area. Commissioner Jakubowski stated that she agrees. Mike Schwarz stated that he would try to ascertain when the gravel went in by referencing past aerial photos.

Commissioner Wallrich stated that it becomes contagious when gravel is out there, so other businesses think they can do it also.

Chair Schaeffer asked staff to please speak with the owner about paving, but she doesn't want to add such a condition to the requested Special Use.

Chair Schaeffer next asked if there were any member comments regarding parking.

Chair Schaeffer asked staff how many units were in this building.

Mike Schwarz replied that there are 3 tenants.

Commissioner Knieriem stated that it's clear there are plenty of parking spaces.

Chair Schaeffer asked staff if it is necessary to add a condition regarding outdoor storage.

Mike Schwarz stated that a Special Use would be necessary for any outdoor storage.

Chair Schaeffer asked the applicant if he is seeking to have any outdoor storage.

Darren Harris replied no.

Motion (#5): Recommend that the Village Board approve the request for a Special Use Permit for motorcycle sales and service (aftermarket parts and accessories installation) in the I-1 Limited Industrial District, for the property located at 9503 Gulfstream Road, Unit A, Frankfort, Illinois (PIN: 19-09-34-302-004-0000), in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Jakubowski

Seconded by: James

Approved: (5-0)

D. Workshop: Abbey Woods North

Chris Gruba presented the staff report.

Chair Schaeffer asked the applicant to approach the podium.

Steve Beemsterboer, property owner, explained the need for the variations and retaining walls. They have spent over a year on engineering. Sean O'Malley will be the developer and home builder.

Commissioner Knieriem asked Steve Beemsterboer how long he has owned the property.

Steve Beemsterboer replied since about 2013.

Commissioner Knieriem asked about the grading work.

Steve Beemsterboer replied that he previously received permits from Will County for the front 3-4 acres. Anything over 5 acres would require a full grading plan, so he broke it up in phases. The current work started last summer and includes roughly 4 acres.

Commissioner Knieriem asked Steve Beemsterboer if he removed dirt from the back of the property.

Steve Beemsterboer replied no. The back 3 acres is in the floodplain. He did cut a drainage ditch on both sides of the property to get the drainage under control, so yes, a little bit of dirt was moved.

Commissioner Wallrich asked if this work was done in the wetland area.

Steve Beemsterboer replied yes because the water was sheet draining across the site.

Commissioner Wallrich asked if he received a wetland permit to do that work.

Brain Hertz, of MG2A, the project engineer stated that Steve Beemsterboer was working with a consultant on that aspect.

Commissioner Wallrich reiterated that any grading work would require a permit.

Steve Beemsterboer replied that he received permits from Will County.

Commissioner Knieriem asked about the location of the drainage ditches.

Chris Gruba displayed the exhibit showing the retaining walls for reference.

Brian Hertz explained the grading and drainage challenges which require some swales for drainage along the sides of the overall property.

Chair Schaeffer asked if there will be some drainage swales in the rear yards.

Brian Hertz stated yes.

Sean O'Malley explained the type of footing/foundation that he installs for the retaining wall.

Commissioner Knieriem asked what the setback is from the property line for the swale.

Brian Hertz estimated it will be about 15 feet. The easement is 25 feet wide.

Brian Hertz stated the setback from between the retaining wall and the property line is about 10-12 feet.

Commissioner Wallrich stated that the red line starts on Lot 8 which only has 10 feet.

Brian Hertz stated that the width of the swale is not as wide as you go north.

Commissioner Knieriem stated that the property to the west will have the same issue with grading.

Steve Beemsterboer stated that they explored the idea of purchasing some land from the owner to the west, but she would then have the same issue.

Steve Beemsterboer stated that the owner to the west is not ready to sell.

Commissioner Knieriem asked about the yellow line on the FEMA exhibit.

Brian Hertz replied that the yellow line is the map break line between two adjacent FEMA FIRM maps.

Commissioner Knieriem stated that has no other questions.

Commissioner Jakubowski asked about the type of homes being built. Would they be like Abbey Woods?

Sean O'Malley replied they would be large custom homes. The product is needed since there are no more lots to buy, especially on the north side of Frankfort and located in the 157-C elementary school district. These will be high end homes. It's a beautiful piece of property.

Commissioner James asked with the stub street will there be a drop-off?

Brian Hertz stated no. It will meet grade.

Commissioner James stated that if the applicant removed one lot, he would be under the 25-home threshold for a subdivision on a cul-de-sac and may remove some variations.

Commissioner Wallrich asked staff about the net density.

Chris Gruba stated that the net density is 1.97 dwelling units per acre.

Commissioner Jakubowski stated that many of the homes meet the requirements.

Chair Schaeffer stated that there seems to be a lot of constraints based on the topography and utilities, avoiding the need for a lift station, etc.

Commissioner Wallrich believed that the stub street does negate the two variations related to cul-de-sac length based on past interpretation.

Commissioner Knieriem asked if the detention areas will be wet or dry.

Brian Hertz stated that the north one would be a wetland bottom and the south one would be a dry bottom.

Sean O'Malley stated that the bike path would be maintained by the HOA.

Commissioner Jakubowski asked Sean O'Malley if he has the CC&R's at this time.

Sean O'Malley stated no, but he can write them and provide them.

Chair Schaeffer asked if there were any other initial questions.

Commissioner Wallrich stated that this is an annexation. There is no guarantee for a lot yield. This is one of the more difficult properties which is why it is not developed yet. Sean O'Malley is a wonderful builder. If she was Sean O'Malley she would want to get as many lots as possible. She has a philosophical issue with any variations on undeveloped land. She believes that there are at least 2 lots to be removed from the plan.

This is a negotiation. There should be give and take. She would like the Village Engineer to attend the next meeting and provide input.

Commissioner Jakubowski stated that she disagrees and thinks this is a good project for Frankfort. That is why she asked for the CC&R's.

Commissioner Wallrich stated that she agrees on wanting to see the CC&R's.

Commissioner Jakubowski stated that she would not like to see future variations requested on these lots.

Chair Schaeffer agreed and stated that she doesn't want future houses coming in to seek variations.

Commissioner Wallrich stated that there could be a prohibition on any future variations.

Commissioner Jakubowski stated that she would not want to place such a restriction on these future lots.

There was some discussion about what future lot buyers may need/want.

There was some discussion about the extent of the variations.

Sean O'Malley stated that they are very minimal variations.

Chair Schaeffer stated that she would like to keep the discussion orderly and go right down the headings in the staff report. Are there any questions or comments about the site plan?

Commissioner Wallrich asked if the bike path will be in the floodplain.

Brian Hertz and Sean O'Malley stated that it was moved out of the 1% chance floodplain.

Commissioner Wallrich asked if there was any discussion about providing a street stub to the east.

Steve Beemsterboer stated that he has spoken with them, and they intend to remain there for a long time and have no intention to sell. They have been working on a plan to redevelop parts of the property for their needs.

Chris Gruba stated that he has also been working with the property owner to the east and they are proposing a redevelopment that involves private streets. If there was a street stub to the east, it may not be able to connect with any future streets.

Commissioner Wallrich stated that she is not aware of the Village granting variations on virgin land. She stated that the width of Lot 26 is a concern. It is 108 feet wide and that

is a significant reduction from 120 feet. It is also a highly visible lot. It is on St. Francis so it may not be one of the more valuable lots. The PC/ZBA just dealt with a corner lot at the last meeting.

Commissioner Jakubowski stated that she also tells her clients about the issues with corner lots, but there is always a buyer.

There was a discussion about why the Village has granted variations in the past.

Commissioner Wallrich stated that many of those variations are on platted lots. This property is not platted.

Commissioner Wallrich asked Commissioner Jakubowski if the project had to comply with the Zoning Ordinance does she feel that it would not be developed?

Sean O'Malley stated that the bike trail eats up some of the property.

Commissioner Wallrich asked staff how lot width is measured.

Chris Gruba explained that it is measured at the front building line.

Chris Gruba explained the variations that were granted for lot width on the McMahon 2-lot subdivision on Nebraska Street.

Commissioner Wallrich stated that those were for platted lots yes? This is for virgin unplatted land.

Sean O'Malley reiterated the large size of these lots. He stated that for the neighbor to the west to sell them 10 feet would cause an issue for her property.

Chair Schaeffer stated that the applicant tried to purchase more land from her, but she said no. She added that here we have a developer that is ready to go. There were past proposals for this property and nothing ever happened.

Commissioner Wallrich asked about the southernmost lots and proximity to the bike path.

Steve Beemsterboer stated that these are the high dollar lots and it will not be any surprise that there will be a bike path.

There was some discussion about whether there should be landscaping as a buffer to the bike path for those 2 lots.

Commissioner James stated that those 2 lots are only 40 feet wide at the street. If they are truly the premium lots, then remove one lot so they can be wider.

Commissioner Wallrich asked about the path on the neighboring property.

Sean O'Malley clarified that this is actually a driveway.

Commissioner Wallrich asked if there are any lots that have floodplain that will require floodplain insurance.

Brian Hertz stated no.

Commissioner Wallrich asked staff if there was a thought to create a dormant SSA for maintenance of the ponds.

Sean O'Malley stated that would be a huge red flag.

Commissioner Jakubowski stated that could impact market value. She stated that the CC&Rs should be adequate.

Commissioner Wallrich stated that if there is no HOA for whatever reason, at least in perpetuity, then a dormant SSA would be a way to ensure pond maintenance.

There was some discussion among the members regarding the idea of requiring a dormant SSA for pond maintenance.

Commissioner Jakubowski stated that there would be a mandatory HOA and they could establish protections and enact their own special assessment for pond maintenance if ever needed.

Sean O'Malley stated that these will be \$800,000 homes so the HOA will be in place and he has never seen an HOA go inactive.

Chair Schaeffer stated that she appreciated all of PW's thoughtful comments on what could happen in the future.

Chair Schaeffer asked if there could be some tree mitigation for any removed trees.

Commissioner Wallrich asked if staff or the applicant could provide a tally to show landscape and tree removal compliance.

Commissioner Wallrich asked if the berm along St. Frontage is undulating.

Chris Gruba stated that there are a few breaks.

Brian Hertz provided additional comments on why there are some breaks.

Commissioner Wallrich asked about the height of the retaining wall.

Brian Hertz stated that it varies. He pointed out the transition in height on Sheet 2A which was projected on the screen.

Commissioner Wallrich asked if 3 feet is the tallest it gets.

Brian Hertz stated yes on one tier. There are two tiers. The total height of the two walls combined is approximately 5.5'.

Commissioner Wallrich asked if there would be grass on the ledge or stone.

Sean O'Malley asked what she prefers.

Commissioner Wallrich stated that she prefers no retaining walls at all.

Sean O'Malley stated that they also prefer not to have retaining walls, but they had to raise the whole site to avoid the need for a sanitary sewer lift station.

Commissioner Wallrich asked if there are any native plantings that require little or no maintenance.

Chair Schaeffer said that is a great question and wondered if Commissioner Wallrich had any ideas.

Commissioner Wallrich asked staff if the Village uses a landscaping consultant to review plans as was done in the past.

Chris Gruba stated that the Village did use a firm in the past but staff and the Village Engineer now typically review these.

Commissioner Wallrich asked about the topography of the property to the west.

Brian Hertz replied that it is very similar to this property.

Chair Schaeffer stated that the neighbor to the west may also need to raise her property.

Commissioner Knieriem asked how many yards of dirt had to be brought in?

Sean O'Malley stated about 5,000 cubic yards.

There was consensus that the applicant will investigate native plantings for the ledges between the retaining walls.

Commissioner Wallrich asked about the bike path location versus the location noted on the plan.

Commissioner Wallrich asked if there was a final decision about the dry or wet bottom ponds.

Brian Hertz stated that they have options. The south pond could be a wet bottom pond.

Chair Schaeffer stated that the Village Engineer is looking at the Code and what types of ponds will be required.

Chair Schaeffer asked the other members if there was consensus on the length of the cul-de-sac.

There was general agreement.

Chris Gruba stated that per the Public Works Department, the center of the cul-de-sac would be maintained by the HOA.

Sean O'Malley stated that he plans to make the entrance landscaping look very nice.

Commissioner Wallrich asked Chris Gruba why the Village would entertain the idea of private streets for the future redevelopment to the east. Some discussion ensued about public versus private streets.

Commissioner Wallrich asked if we have a master transportation plan that shows the subject property and immediate areas to the west and east.

Mike Schwarz stated that the Comprehensive Plan does have major and minor arterials shown but no local roadways are depicted on this property.

Chair Schaeffer asked the other members if there was a desire for another workshop.

Commissioner Knieriem stated that as long as they address the comments from this evening, he does not see the need for another workshop.

Commissioner Jakubowski asked for a recap of the items that the applicant should address.

There was some discussion about the responsibility of the maintenance of the retaining walls.

Sean O'Malley stated that the HOA would maintain these.

Commissioner James and Commissioner Wallrich stated that they would prefer a second workshop.

Commissioner Jakubowski asked for the CC&R's or an example from another subdivision such as Abbey Woods or Lighthouse Point.

Commissioner Wallrich asked Sean O'Malley if he chose the name for Abbey Woods North.

Sean O'Malley replied that he did. He liked the name.

PW stated that there is a famous garden design by Frederick Law Ohlmstead on the Sisters of St. Francis property.

Commissioner Wallrich asked how are we addressing the standards for granting the variations being requested.

Chris Gruba stated that these are special variations as they will be part of the annexation agreement.

Sean O'Malley stated they he provided findings to staff.

Commissioner Knieriem stated that he does not think another workshop is needed but will not stand in the way of the others who may wish to look at it a second time.

There was consensus that the June 22nd meeting would be targeted subject to the engineering being ready.

E. Public Comments

There were no public comments.

F. Village Board & Committee Updates

There were no Village Board & Committee Updates.

G. Other Business

There was no other business.

There was some discussion about the number of cases on the June 8th agenda.

Staff stated there are at least 4 cases including 3 public hearings.

There was some discussion about the status of the Planner recruitment.

There was some discussion about the next steps for 213 Nebraska Street.

There was some discussion about the future of the bowling alley at 15 Ash Street.

There was some discussion about the members planning to attend the next meeting and how far in advance that staff prefers to confirm a quorum.

H. Attendance Confirmation (June 8th, 2023)

Chair Schaeffer asked the members of the Plan Commission to notify staff if they know they would not be able to attend the June 8th meeting.

Motion (#6): Adjournment 9:39 P.M.

Motion by: Jakubowski

Seconded by: Knieriem

The motion was unanimously approved by voice vote.

Approved June 8th, 2023

As Presented _____ As Amended X

Nichie Schaeffer /s/ Nichie Schaeffer, Chair

Christopher Oruba /s/ Secretary