



## MINUTES

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

June 22, 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, Will Markunas, David Hogan
- Commissioners Absent:** None
- Staff Present:** Director of Community and Economic Development Mike Schwarz, Senior Planner Christopher Gruba
- Elected Officials Present:** None

#### A. Approval of the Minutes from June 8<sup>th</sup>, 2023

**Motion (#1):** To approve the minutes from June 8<sup>th</sup>, 2023 as presented.

Motion by: Jakubowski

Seconded by: Markunas

Approved: (7-0)

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

#### B. Preliminary/Final Development Plan: 15 Ash Street Building Addition

Chris Gruba presented the staff report.

Chair Schaeffer asked if any members had initial questions. There were none.

Chair Schaeffer asked if anyone in the public wanted to provide testimony.

Mike Cartolano approached the podium. He asked if the commission is approving a project without requiring any parking for the 9 residential units.

There was a brief discussion about a condition that could be added regarding parking. The members mentioned that a parking variation was requested and recommended for approval.

Mike Cartolano asked if there was any type of study to address the marketability and viability of the project. He mentioned a project in New Buffalo Michigan.

Chris Gruba responded that it is not typically the role of the Commission to discuss the financial aspects of a project.

Mike Cartolano asked about the CC&R's if the residential units are condos. There was a brief discussion about the previous condition that was recommended to the Board.

Mike Cartolano stated that he felt like there were "closed door meetings" on this project and that it was a done deal.

Chair Schaeffer explained that all meetings on this project have been public meetings apart from meetings that the applicants may have had with Village staff throughout the process.

Mike Schwarz explained that staff routinely meets with applicants and assists them through the Village review process, but all the Plan Commission/Zoning Board and Historic Preservation Commission meetings are public meetings. The meeting packets are also posted on the Village web site for anyone to read and review.

**Motion (#2):** To recommend the Village Board approve the Preliminary/Final Development Plan for 15 Ash Street, in accordance with the reviewed plans and public testimony, subject to any technical revisions prior to recording and conditioned upon the following:

1. Final engineering approval,
2. The CC&R's and HOA bylaws be submitted to staff for review and approval prior to Village Board consideration; and,
3. That the developer shall either provide a cash-in-lieu payment for the required residential parking spaces with the amount per space to be determined by the Village Board, or the developer shall secure a lease agreement with another downtown property owner to provide off-site parking for the required residential parking spaces.

Motion by: Markunas

Seconded by: Jakubowski

Approved: (7-0)

### **C. Final Development Plan and Preliminary/Final Plat of Subdivision: Misty Creek**

Chris Gruba presented the staff report and summarized changes to the plans since the Village Board meeting.

Joe Duffy with Flaherty Builders approached the podium. He explained the one change for the serenity garden.

Commissioner Knieriem stated that there is nothing serene about Laraway Road. The pet park is much more useful for this type of development.

Commissioner Knieriem asked what the thought process was for a serenity garden.

Joe Duffy stated that they looked at their target market and their other townhome developments to make the decision. Also, previous comments from the Board and Commission.

Commissioner Knieriem stated that the number of pets has increased dramatically since Covid. He added that he wants to hear from other commissioners.

Commissioner Wallrich stated that she likes the serenity garden. She doesn't want to see fences along Laraway Road. She likes a passive park space rather than an active park space and it is rather small for people to walk their dogs. She likes the aesthetics of the space.

Commissioner Hogan asked if the other members if there is any concern about the proximity of the school and the possibility that kids will congregate there.

Joe Duffy stated that it is within the subdivision, so he does not see it as a concern.

Commissioner Markunas stated that he seconds Commissioner Knieriem's comments. The number of trucks on Laraway will increase in the coming years.

Joe Duffy stated that they envision a shade structure or maybe a pergola. The private park space is about 10,000 square feet. They do not want the space to be active in evenings out of respect to the neighboring unit.

Commissioner James asked if there would be a landscape management company.

Joe Duffy stated yes, it will be done with a professional landscape company.

Commissioner Jakubowski stated that she would like to see the aesthetics for the subdivision balanced with the needs of the townhome residents to walk pets. She would like to see a little more stone.

Joe Duffy stated that they could look at all those things.

Commissioner Wallrich stated that residents could still walk their dogs there. Maybe the developer could place waste receptacles and free waste bags.

Commissioner Jakubowski suggested maybe a stone bench could be added.

Commissioner Wallrich asked if they considered more side load garages.

Joe Duffy replied that they did try to have more 2-units as the middle units, as the 3-unit buildings are slower to sell.

Commissioner James stated that he is okay with the change to a serenity garden.

Chair Schaeffer stated that she is okay with either option.

There was some discussion about the items to be placed within the serenity garden.

Commissioner Wallrich asked Joe Duffy if they are planning on have a no-access and no fence note on the plat.

Joe Duffy stated they could add that if it is not already covered under the blanket easement on Outlot A.

Commissioner Wallrich asked if they could add a note stating on the plat.

Commissioner Wallrich asked about the right-in/right-out access on 116th. She asked does it make more sense to be on Laraway Road.

Joe Duffy stated it was the request of the school to have it there. They also did a traffic study.

Chair Schaeffer stated that the Will County Department of Transportation is planning to widen Laraway Road.

Joe Duffy added that they were also lining up with the existing street to the south.

Commissioner Wallrich stated she likes the building elevations color pallet but asked if there is a possibility of having more color options for the brick.

Joe Duffy stated that they are using the changes in architecture and trim colors to differentiate among the buildings.

Commissioner Wallrich asked about the berm between the subject property and the school.

Joe Duffy provided an explanation for the proposed berm.

Chair Schaeffer asked if any members had any other comments on the elements of the various plans that make up the Final Development Plan.

There were no comments.

**Motion (#3):** Recommend to the Village Board to approve the Final Development Plan of Misty Creek, in accordance with the reviewed plans, public testimony and conditioned

upon final engineering approval and that the CC&R's and HOA bylaws be submitted to staff for review and approval prior to Village Board consideration.

Motion by: Wallrich

Seconded by: James

Approved: (7-0)

**Motion (#4):** Recommend to the Village Board to approve the Preliminary/Final Plat of Subdivision of Misty Creek, in accordance with the reviewed plans and public testimony, subject to any technical revisions prior to recording and conditioned upon the following:

1. Final engineering approval,
2. The CC&R's and HOA bylaws be submitted to staff for review and approval prior to Village Board consideration; and,
3. That a 25' wide "no fence, no access" easement be placed on private property adjacent to the rights-of-way of both Laraway Road and 116<sup>th</sup> Avenue.

Motion by: Markunas

Seconded by: Jakubowski

Approved: (7-0)

**D. Public Hearing: Continued from 5/11/23: 7654 W. Lincoln Highway - Circle K Redevelopment (Ref #108)**

Mike Schwarz said that the applicant requested that this public hearing be continued to the July 27<sup>th</sup>, 2023 PC/ZBA meeting.

**Motion (#5):** Continue the public hearing at the July 27<sup>th</sup>, 2023 PC/ZBA meeting.

Motion by: James

Seconded by: Jakubowski

Approved: (7-0)

**E. Public Hearing: 20855 S. La Grange Road Suite 100 - Edge Music Academy**

Mike Schwarz noted that this project had been withdrawn by the applicant.

**F. Public Hearing: 10677 Yankee Ridge Drive – Morgan Residence Pergola (Ref#109)**

Mike Schwarz presented the staff report.

The applicant, Todd Morgan, approached the podium.

Chair Schaeffer asked the commissioners for comment.

Commissioner Wallrich said that she thought that the applicant would be permitted up to 8,297 square feet of impervious surface and that as proposed, a variation would not be required for impervious coverage. Schwarz noted that he had not received an accurate Site Plan from the applicant and therefore used the Village's Geographic Information System to measure the lot improvements and estimate the impervious coverage, which by his estimation is approximately 41 percent, just slightly over the allowable 40 percent coverage.

Commissioner Wallrich stated that by her calculation, the current and proposed lot improvements are under the allowable 40 percent.

Mike Schwarz stated that he calculated the impervious coverage based on the lot area stated on the Frankfort Township Assessor's web site and in based on the Plat of Survey which was provided.

Commissioner Markunas said that the proposed pergola would seem to be located over the existing concrete patio and asked Schwarz if this was taken into account for impervious coverage. Mike Schwarz replied that he believed that it was, but it is difficult to confirm based on the AutoCAD drawing that was submitted by the applicant. He noted that the AutoCAD drawing that was prepared by the project architect did not match with a recent aerial photograph of the property.

Mr. Morgan said that a gazebo had been removed from his property, which is the same location as the proposed pergola.

After additional discussion, it was the consensus of the PC/ZBA that there was no need for the second variation for impervious lot coverage.

Mike Schwarz noted that this project was heard as a workshop on April 14, 2022, which was after the adoption of a Zoning Ordinance Text Amendment pertaining to accessory structures on March 7, 2022. He said that the PC/ZBA would not need to act on the variation request for impervious lot coverage, given the earlier discussion.

Mr. Morgan said that he was elected as a trustee in 2005 and that they worked on revamping the Zoning Ordinance, including as it related to accessory structures. Back then, accessory structures were limited to 144 square feet because this was the most common dimensions for a shed. Back then, there were few, if any, requests for accessory structures like pergolas and pool houses. He said that the east and west sides of his property are buffered from the adjacent residential properties. He said that the pergola would incorporate quality materials that matched the house. He also noted that he has support from his HOA and provided a copy of the letter to the Commission.

Commissioner Hogan asked the applicant if he could shrink the pergola by 2 feet and what impact that would have. Mr. Morgan replied that there is not a lot of room inside pergolas

and that shrinking the pergola would make the arrangement of furniture difficult. He noted that if the pergola were attached to the house, then it would not require a variation for size.

Commissioner Wallrich stated that she was not on the PC/ZBA when the Zoning Ordinance was amended for accessory structures and did not think that the 250 square foot limit made sense. She said that in the case of the applicant, his property abuts the Old Plank Road Trail, which provides a buffer from any neighbors to the south. She expressed concern that if variations for accessory structure size frequently came before the PC/ZBA, then perhaps the code should be amended.

Chris Gruba noted that he was the project manager for the accessory structure text amendment and briefly explained the research and rationale for the 250 square foot max size.

Commissioner Markunas said that prior to the text amendment, the PC/ZBA was reviewing size variations for pergolas every other week.

Commissioner Wallrich noted that it was nice that the proposed pergola had open sides. Commissioner Markunas responded that some pergola requests in the past have had up to three sides enclosed. He asked the applicant if he would be enclosing the sides of the pergola. Mr. Morgan responded no.

Commissioner Knieriem said that the proposed size was reasonable and commensurate with the lot size, so it's the right scale. Chair Schaeffer agreed. She also added that the Commission had to draw the line somewhere when it came to providing a maximum size for accessory structures such as this during the text amendment process. She asked if decks are counted toward impervious surface. Mike Schwarz responded yes.

**Motion (#6):** Close the public hearing.

Motion by: Jakubowski

Seconded by: Markunas

Approved: (7-0)

**Motion (#7):** Recommend the Village Board approve a variation from Article 5, Section D, Part 2 (b)(1) of the Village of Frankfort Zoning Ordinance to permit the construction of a 288 square foot pergola, whereas 250 square feet is permitted, in the R-2 Single-Family Residential District located at 10677 Yankee Ridge Drive in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Wallrich

Seconded by: Markunas

Approved: (7-0)

**G. Public Comments**

There were no public comments.

**H. Village Board & Committee Updates**

Mike Schwarz said that the following PC/ZBA items were approved by the Village Board at its regular meeting on June 20, 2023: The Special Use Permit for automobile sales for 86 Degrees Auto Group and the Special Use Permit for outdoor seating associated with a permitted restaurant for Grounded Coffee. He noted that the variation request for fence height was denied for 8563 Stone Creek Boulevard. He noted that the Special Use Permit requests for Spark Coffee were remanded back to the PC/ZBA for review and that the main concerns were the red stripe accent feature on the north façade and the parapet height of the north façade. Mike Schwarz added that the 2023 State Conference for the Illinois Chapter of the American Planning Association will be held at North Central College in Naperville from September 11 through 13. He noted that this annual conference includes Plan Commissioner training sessions. He stated that he will forward conference details as they become available.

**I. Other Business**

Commissioner Knieriem asked Commissioner Wallrich why she distributed copies of the plans for Sparks Coffee to each commissioner. She noted that the project could incorporate brick and stone elements that would more closely match the buildings for Steak & Shake, Autozone and the Bank.

**J. Attendance Confirmation (July 13<sup>th</sup>, 2023)**

Chair Schaeffer asked the members of the Plan Commission to notify staff if they know they would not be able to attend the July 13<sup>th</sup> meeting.

**Motion (#8):** Adjournment 8:12 P.M.

Motion by: Jakubowski

Seconded by: Markunas

The motion was unanimously approved by voice vote.

Approved July 13<sup>th</sup>, 2023

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

Nichie Schaeffer /s/ Nichie Schaeffer, Chair

Christophe Smith /s/ Secretary