



## MINUTES

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

June 23, 2022–VILLAGE ADMINISTRATION BUILDING

432 W. NEBRASKA STREET

- Call to Order:** Chair Rigoni called the meeting to order at 6:31 PM
- Commissioners Present:** Chair Maura Rigoni, Will Markunas, Nichole Schaefer, Jessica Jakubowski, Brian James
- Commissioners Absent:** Dan Knieriem, 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 June 9, 2022

**Motion (#1):** Approval of the minutes, as presented, from May 12 2022

Motion by: Jakubowski

Seconded by: Markunas

Approved: (5-0)

Chair Rigoni swore in any members of the public who wished to speak at the meeting.

#### B. Public Hearing (Continued from April 28<sup>th</sup>, 2022): Olde Stone Subdivision 1<sup>st</sup> Addition

Chris Gruba summarized the staff report.

Chair Rigoni asked the applicant to approach the podium. She asked if the applicant had anything else to add.

The applicant, Mark Berardelli, stated they had nothing more to add, and were available to answer questions and address concerns the commission had.

Chair Rigoni asked the commission if they had any initial questions for the applicant.

There were none.

Chair Rigoni asked staff to clarify whether the density of the proposal had changed since the previous meeting.

Gruba replied that it had not, that density remained at 2.23 dwelling units per acre.

Chair Rigoni noted that the most current plans had the potential to add another buildable lot, and asked if that would change the density calculation.

Gruba responded that it would.

Chair Rigoni concluded that creating an additional lot would put the proposed development above the allowed density for the district. She asked the applicant whether the cul-de-sac on the proposed plans was for access to the out lot.

The applicant said it was.

Chair Rigoni asked if there were any comments from members of the audience.

A resident of Olde Stone, Jack Johnson, approached the podium. He began by expressing his hope that the new members of the Plan Commission took the time to read the current and previous proposals. He stated that he had been fighting the current development for years. One of his concerns was that the proposed density was close to the limit allowed by the Zoning Ordinance. Another concern was that some lots contained larger public utility and drainage easements in the backyards, rendering a larger portion of the rear yard unbuildable. Johnson noted that the number of new homes proposed by this addition would greatly increase vehicle traffic in the neighborhood, which would be an issue for all the neighbors. He stated that it was unfair that this burden be placed on himself and other residents of Olde Stone simply because the nearby Church of Latter-day Saints was unwilling to sell land to the developer for another access point to the subdivision. In addition, the meander put in the road between the current and previous proposal seemed insufficient. Lastly, Johnson expressed that he was frustrated with the plan and its lack of care for the residents' concerns. He said it was not a good project for either the residents or the Village, and he hoped the current commissioners acted the same way as the old commissioners had.

Wesley Lemper, another resident of Olde Stone, approached the podium. He provided detail on the size of his lot, around 26,000 square feet, which was larger than any other lot in the subdivision. When he purchased the property, he assumed the subdivision was complete, though it was not. He grew up in the area, and chose to move to Frankfort in particular because of the control it has over development. The current proposal seemed out of step with the Village's reputation. His main issue was with how the project would be constructed, noting that construction traffic would only be able to use the single point of access to the subdivision. He also wanted to know who would maintain the streets, which would experience greater wear as a result of the heavy vehicles and equipment moving in and out of the neighborhood.

Vince Ferro, a resident of Olde Stone, approached the podium. He noted that there was little change between the current plan and previous plan. In addition, the current plan does not match the design of the rest of Olde Stone. He asked how construction will be handled, as well as how the streets would be maintained. He also asked why the

taxpayers would be burdened with road maintenance when there was a clear need for two entrances to the subdivision. Ferro noted that other nearby subdivisions have two entrances, and that the lack of a second access point may in an emergency be the difference between life and death. He asked why there should be an exception for Olde Stone in this regard.

**Motion (#2):** Motion to close the public hearing.

Motion by: Markunas

Seconded by: Schaeffer

Approved: (5-0)

Chair Rigoni asked staff if the cost of improving the road would fall on the developer.

Staff responded it would.

Chair Rigoni asked whether there was already road wear underway as a result of current construction taking place in the subdivision.

Staff responded there was.

Chair Rigoni told the members of the Plan Commission who had joined after the proposal was first brought to the Commission that there were multiple motions to consider. She asked if any commissioners had any questions on the rezoning proposal.

There were none.

Chair Rigoni asked if the commissioners had any questions about the current plat.

Commissioner Markunas stated that his issue from the last meeting was the lack of a second access point. He asked the applicant what Will County said about using their nearby drive, and what alternatives they had considered.

The applicant, Mark Berardelli, responded that he had not spoken with the County, but staff had. According to them, the County could not grant access to that private road, since it was only usable by the Federal Aviation Administration.

Commissioner Markunas asked what alternatives the applicant had considered.

The applicant responded that he had been in talks with the relevant organizations within the church. They were not interested in selling their property at this time.

Commissioner Schaeffer stated that her biggest concern with the proposal was access. However, if the church would not budge, there was nothing to be done.

Commissioner Jakubowski agreed that her biggest concern was the single access point. It created a burden for those living near the entrance, though traffic would slow after all construction was complete.

Commissioner James also expressed concern about the single point of access to the subdivision.

Chair Rigoni stated that the applicant did their due diligence trying to obtain property for a second point of access. If the Plan Commission had cut corners in approving the development with only one point of access, that was a mistake made in the past, and now the consequences were being felt. She thanked the applicant for attempting to purchase the property for a second access point from the Church of Latter-day Saints. She expressed that the situation was what it was, and directed the conversation to concerns over lot sizes.

The applicant commented on lot sizes in the proposed addition. Overall, the lot sizes in the proposed addition were on average larger than the existing lots in the subdivision. The same engineer who designed the existing Olde Stone subdivision had designed the proposed addition, and did so as efficiently as possible.

Commissioner Markunas asked staff what the buildable area would be for the proposed lots 5, 6, 7, and 8 once the rear yard public utility and drainage easements were factored out.

Staff approximated the buildable area to be between 18,000 and 20,000 square feet.

Commissioner Markunas asked if the applicant knew what the figure was.

The applicant responded they did not, but that the lots along Vienna Way and near Outlot C were comparable.

Commissioner Schaeffer noted that the proposal still seemed too dense, especially with the limited access issue. She stated she would like to see fewer lots.

Chair Rigoni asked if the proposal complied with the density requirements.

Staff responded it did.

Chair Rigoni commented that so many subdivisions meet the minimum 15,000 square foot requirement, and that she did not see the proposal meeting density in its current state. There could be issues with lot 8 in particular, since other lots with 16,000-20,000 square feet are surrounded by similar sized lots. She noted that she did not want the easement to move any further west than where it was currently located.

The applicant said the example building envelopes on the submitted plans were oversized and that the house sizes usually do not cover the entire available building envelope

Chair Rigoni responded that her concern was not with the size of the example footprints, but with but with the other future improvements, such as patios and pools, which may require variations should the current proposal go through. Better to get ahead of those challenges now rather than later.

Commissioner James expressed he had no concern over the sizes of the proposed lots, but did note there were differences between lots on the east and west sides of the road. The possibility of future lot consolidations discounted his concern over lot size.

The applicant stated that there was a prospective buyer who wanted to purchase four lots. He also mentioned the that the building setbacks were varied along the street, as required.

Commissioner Jakubowski also had no concerns about lot sizes, since it was likely someone would consolidate multiple lots.

Chair Rigoni summarized the points of conversation so far. She asked why lot 1 should or should not have been an access point for Outlot A. She asked if the cul-de-sac location could be moved back to the east side of Vienna Way, where it was originally proposed.

The applicant responded he was happy to revert to the original design for the cul-de-sac, and that the change was not a deliberate choice since the main focus was on the southern portion of the addition.

Chair Rigoni asked what the area of Outlot C was on the previously submitted plans.

The applicant responded that it was slightly larger than lots two, three, and four, approximately 17,000 square feet.

Chair Rigoni noted that the concern then was how to get that lot to comply with the width and depth regulations.

The applicant stated that the width was too small, and that the cul-de-sac was in the way as well.

Chair Rigoni responded that she would like to make sure that if the applicant wanted to make that lot buildable in the future, there would be no need bring the proposal to the Plan Commission due to the insufficient size of the lot.

Commissioner Markunas asked if the applicant would be comfortable flipping the cul-de-sac from the west side of the road to the east.

The applicant responded that they did.

There was some discussion on how to incorporate that change into the motion.

Schwarz noted that flipping the cul-de-sac would also be beneficial in the annexation agreement, since it would then be easier in the future for the Village to vacate the property so that another access point to the subdivision could be built. He also noted that adding the cul-de-sac into the density calculations would result in a density less than the required 2.25 dwelling units per acre.

Chair Rigoni added that flipping the cul-de-sac would also provide a greater sense of openness on the site. She asked staff to ensure language on vacating the cul-de-sac is incorporated into the annexation agreement, and acknowledged that the Plan Commission is not involved in that process. She then asked if there were any other points of discussion.

There were none.

Chair Rigoni told the applicant she did not want to see the easement move any further.

The applicant stated he understood.

Chair Rigoni also asked that the applicant follow the Village's standards on construction traffic.

**Motion (#3):** To recommend the Village Board rezone the northern parcel (PIN: 19-09-31-400-016-0020) from E-R to R-2 and the southern two parcels (PIN: 19-09-31-400-016-0010, 19-09-31-400-013-0000) from E-R to R-2 upon annexation.

Motion by: Markunas

Seconded by: Schaeffer

Approved: (5-0)

**Motion (#4):** Recommend Village Board approve the Final Plat of Subdivision for Olde Stone Village 1st Addition, in accordance with the reviewed plans and public testimony, subject to any necessary technical revisions prior to recording, conditioned upon final engineering approval, dedication of right-of-way for Wolf Road, legal documentation that the detention pond will be maintained by the Olde Stone 1st Addition HOA, the cul-de-sac be constructed as shown in the preliminary site plan reviewed by the Plan Commission on March 24, 2022, and the public utility and drainage easements in the rear yards of lots 5, 6, 7, and 8 not be expanded.

Motion by: Jakubowski

Seconded by: James

In favor: (3-2; Commissioner Jakubowski, Commissioner James, and Chair Rigoni voted in favor, Commissioner Markunas and Commissioner Schaeffer voted against.)

Chair Rigoni stated the result of the vote and that the project would be brought before the Village Board.

Schwarz explained for the understanding of those in the audience that the proposal would be brought to the Committee of the Whole on July 13<sup>th</sup>, 2022. If the Committee of the Whole approved the proposal, then another noticed public hearing would be scheduled with the Village Board. The earliest meeting the proposal would be on the agenda for would be August 15<sup>th</sup>, 2022. At said hearing, the Village Board would first approve ordinances authorizing and executing the annexation agreement, then would decide to either approve or deny the submitted plats.

Chair Rigoni asked the audience to contact staff with questions about the next steps for the project.

### **C. Public Hearing: 20801 S. LaGrange Road, Chase Bank**

Gruba summarized the staff report.

Chair Rigoni asked the applicant to step forward, and asked if she had anything to add. Susan Faber with Black and Veatch on behalf of the applicant approached the podium, and stated she was present to answer questions.

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

There were none.

Chair Rigoni asked if there were any members of the audience who wished to make comments on the proposal.

There were none.

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

Motion by: Schaeffer

Seconded by: Jakubowski

Approved: (5-0)

Chair Rigoni explained to members of the audience that the Plan Commission had a longer conversation with the applicant at a previous meeting, which was why the public hearing was so short. She then asked if there were any comments from the Plan Commission.

Commissioner Markunas stated his biggest concern was with the visuals, and he appreciated the photographs and visualizations provided in the report. He asked the applicant what other, substitutable technologies were considered that had different visual appeal.

The applicant responded that the panels proposed are the most efficient on the market. Any other technology would not be a rooftop panel, and outside the scope of the project.

Commissioner Markunas asked if there was any other technology which could generate energy from solar radiation.

The applicant said she could not speak to other solar-collecting technology. In the situation of solar roofs, panels are the only option.

Chair Rigoni stated she struggled with the aesthetic consideration. While they would stand out at first, it is possible that people become used to them over time. At some point the roof would need to be replaced. She asked if the applicant would consider installing shingles that match the color of the panels at that time?

The applicant stated that the panels were had glass surfaces, though they appeared black, and she was unsure if replacement panels would match the shingles.

Chair Rigoni clarified she was requesting the shingles change color to match the panels, and that it may be a condition that could be added to the motion.

Commissioner Markunas asked if the applicant was willing to replace the shingles now.

The applicant responded that the roof was currently in good condition.

Commissioner Markunas asked if she would be willing to replace them regardless of the roof's condition.

The applicant replied that she was not the person who would have final say on that, but that changing the shingles now did not make a lot of sense.

Commissioner Jakubowski mentioned she had seen residential remodels that change out roof shingles without needing to replace the roof, and so that it was possible to do.

Commissioner Markunas stated that he struggled with the aesthetics. Black panels on a gray roof would stand out.

The applicant responded that there were examples of solar roofs on residential developments which showed what the final result would be on the bank. While it stood out initially, over time it became normal. It was also important to consider the importance of renewable energy.

Commissioner James noted that the pictures included in the report were helpful. He was less concerned with aesthetics, since there are other examples where the roof and panel colors clash even more. Given the characteristics of the site, the most high-traffic areas adjacent to the property were already screened by trees.

Gruba asked the applicant if the project was part of a national effort on the part of Chase.

The applicant responded it was.

Gruba then asked if there were any federal or state grants tied to the project.

The applicant stated she was unsure.

Commissioner James stated that the Comprehensive Plan had language in it about encouraging renewable energy projects. Allowing a solar roof on a commercial structure would be in line with that stated goal, and would serve as a good signal of the Village's intent.

Commissioner Jakubowski said she was also not concerned with aesthetics because of the screening on site. She said she would like to see better color matching when the roof was eventually replaced.

Commissioner Schaeffer agreed with Commissioner Jakubowski's comments. She stated she would like to incorporate a condition to the motion for future color matching between the panels and roof shingles.

The applicant stated that the proposed solar panels would generate 49% of the facility's energy needs annually.

Chair Rigoni stated she hoped the panels would not stand out.

**Motion (#6):** Recommend the Village Board approve a variation from Article 7, Section A, Part 2 (c) of the Village of Frankfort Zoning Ordinance to permit service/utility areas (rooftop solar panels) that are not screened from view on the existing building located at 20801 S. La Grange Road in accordance with the submitted plans, public testimony, and Findings of Fact, with the condition that when the roof shingles have reached the end of



their lifespan and are ready to be replaced, that they be of a color that closely matches the color of the solar panels and that the roof shingle color shall be verified by staff.

Motion by: Jakubowski

Seconded by: Schaeffer

Approved: (4-1; Commissioner Markunas voted against)

**Motion (#7):** Recommend the Village Board approve a variation from Article 7, Section A, Part 10 of the Village of Frankfort Zoning Ordinance to permit service/utility areas (rooftop solar panels) that are not screened from view on the existing building located at 20801 S. La Grange Road in accordance with the submitted plans, public testimony, and Findings of Fact, with the condition that when the roof shingles have reached the end of their lifespan and are ready to be replaced, that they be of a color that closely matches the color of the solar panels and that the roof shingle color shall be verified by staff.

Motion by: Jakubowski

Seconded by: Schaeffer

Approved: (4-1; Commissioner Markunas voted against)

#### **D. Workshop: Misty Creek Townhomes**

Gruba summarized the case.

Chair Rigoni asked the applicant to approach the podium.

The applicant, Mike Flaherty, approached the podium. He expressed his appreciation for staff's report and the opportunity to have a workshop on the project. He noted that the changes suggested at the previous meeting were incorporated into the plans. He explained that the increased size of the detention pond was to accommodate excess runoff from the nearby school, which did not meet all of its runoff requirements.

Chair Rigoni agreed that early, high-level Plan Commission meetings on proposals was beneficial, and that perhaps a mechanism should be created for more in the future. She reminded the members of the Plan Commission that the current item was a workshop, so they should discuss the plans presented. She asked staff what the rezoning request was.

Staff replied that the request was to rezone from E-R, Estate Residential to R-4, Attached Single Family Residential.

Commissioner Markunas said he was at the original workshop. Consensus at that time was that the proposal was an appropriate use for the site, even though the Village's Comprehensive Plan recommends a commercial use for the property.

Commissioners Jakubowski and James agreed.

Chair Rigoni turned the discussion toward the general design on the site plan.

Commissioner Markunas said he liked that the dog park was moved to its current location. It was a good change especially considering potential safety issues with the nearby school.

The applicant agreed, and explained that the park would be owned by the Homeowners Association and therefore private. The design was the best they could do given the space limitations.

Chair Rigoni mentioned the setback exceptions along the west and east sides of the property.

Commissioner Schaeffer said she wanted to talk about the staff recommendation to remove the proposed walking path along the north and west ends of the property and replace it with additional landscaping. She expressed agreement with the idea since anyone who wished to walk could use the existing sidewalks along Laraway Road and 116<sup>th</sup> Avenue.

Commissioner Jakubowski asked staff how far the proposed walking path was from the proposed sunrooms.

Staff responded it was ten feet away.

The applicant stated he spoke with Gruba and agreed it was a good suggestion.

Chair Rigoni asked if there was a berm on the school property to the north.

The applicant responded there was.

Chair Rigoni then asked if the applicant planned to provide landscaping on the berm.

The applicant said he was.

Chair Rigoni stated that was a good idea since the additional landscaping would help provide the privacy typically expected in back yards. She had no issue with removing the walking path since there were other nearby amenities, and it provided for more creative landscape solutions. It would also eliminate a maintenance item for the proposed Homeowners Association. She saw no issue with reducing the rear setback because of the proposed landscaping.

Commissioners Markunas and Schaeffer agreed.

Chair Rigoni also liked the dedicated right-of-way, since other townhomes have struggled maintaining private roads.

Gruba stated that the Village's engineering consultant mentioned the proposed road should have a 90° turn as proposed, but should bow out the curve, which could impact paved area considerations.

The applicant asked if that was required or suggested.

Chair Rigoni stated that the Plan Commission cannot approve changes related to engineering.

The applicant expressed his uncertainty about how necessary that change was, but said he would consult with Village staff.

Chair Rigoni asked staff if the dedication of right-of-way to Laraway Road was appropriate.

Staff responded that it was.

Commissioner Markunas asked for clarification on the right-in, right-out design of the road on 116<sup>th</sup> Avenue, since he did not recall seeing it in the previous meeting.

The applicant explained that the right-in, right-out curb cuts were incorporated in response to traffic concerns on Laraway Road.

Chair Rigoni asked if there were any concerns with the proposed floor plans and elevations.

Commissioner James asked the applicant if they were building a similar development in Mokena.

The applicant stated he was not, but that he was building on in Abbey Woods.

Commissioner Schaeffer asked the applicant if they had brought a sample board to the previous meeting.

The applicant said they had.

Chair Rigoni asked the applicant to bring it to the next meeting, to help visualize the variation in materials.

Commissioner Schaeffer asked if there had been two different options for materials at the previous meeting.

The applicant said there were not, that the variety in materials came at the request of the Plan Commission.

Schwarz noted that in regard to the proposed covenants, conditions, and restrictions that would be placed on the proposed units, some language should be included that ensures any property which builds the optional sunroom is visually cohesive with other sunrooms in the development.

Commissioner Schaeffer asked whether the decision to build the optional sunroom was final at the time of construction or purchase, or the optional sunroom could be built at any time by any future resident.

Staff responded that it was the latter.

Chair Rigoni asked if the Plan Commission had any comments on the proposed landscaping. She asked why the detention pond increased in size since the last meeting, and whether it was related to the increased dwelling units per acre figure.

Staff responded that the increased density figure was a result of the larger detention pond, that density was 5.42 units per acre, as opposed to the maximum allowable 5. Density is

based upon the overall net buildable area, which was decreased when the size of the pond was increased.

Chair Rigoni asked how much the detention pond had grown by.

The applicant said he was unsure, but estimated it grew by about a third.

Chair Rigoni asked the applicant to provide documentation which explained why the detention pond grew and why that increased the density of the proposal.

The applicant responded that initially, the plans complied with the density requirements. After more detail was obtained, the necessary change in detention area resulted in the increased density.

Staff mentioned that receiving a yield plan from the applicant would help show the impacts of the increased detention requirements.

The applicant stated they could provide a report explaining the reasons for the changes in the plan.

Chair Rigoni asked if there were any comments on density or open space.

Staff noted that the only common usable space was the walking path on the north edge of the property. However, if the path was removed as suggested, there would then be no usable open space as strictly calculated per Code.

Commissioner Schaeffer stated that the walking path as proposed already did not meet the requirements for usable open space, so removing it would make little difference in the end. In her opinion, the additional landscaping would override any concern about no usable open space. Regardless of the exact wording of the regulations regarding what is or is not considered usable open space, there would be work done on the property to the benefit of future residents.

Chair Rigoni said that the yield plan would give the Plan Commission a better sense of the tradeoffs being made by this proposal. For example, when compared to a non-PUD development on the site, is the tradeoff less open space for more units? A yield plan would clarify this.

The applicant said that this particular proposal did not feel dense in comparison to other developments he had done.

Chair Rigoni agreed, and said that the greater frequency of duplexes to triplexes helped that feeling. She summarized the conversation to that point, which covered setbacks, density, open and green space, and stormwater detention.

The applicant added that he could provide information on how much detention was required and how much was additional.

Commissioner James asked staff whether the proposed shared driveways factored into the parking requirements for the site.

Staff responded that only single driveways counted towards that requirement. Staff had provided the members of the Plan Commission with an aerial photograph of Bowen's Crossing, a similar development which was allowed to build. Staff then asked the Plan Commission how much landscaping they would like to see along the north and west property lines if the walking path were removed.

Commissioner Markunas responded that the landscaping along Laraway Road should be used as a guide.

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

There were none.

Chair Rigoni asked what the next steps for this proposal would be.

Gruba explained the process. First, to a public hearing in front of the Plan Commission, then to the Village Board. Should the Village Board approve, the proposal would return to the Plan Commission again, before appearing before the Village Board once more for final approval.

Commissioner Jakubowski noted that in similar developments, residents in corner units struggle with being blocked in their driveways.

#### **E. Public Comments**

There were none.

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

Schwarz noted that the following matters that previously came before the PC/ZBA were approved by the Village Board at its meeting on June 20:

- Homestead Center at the Southwest corner of Wolf and Laraway Roads: The Final Plat of Subdivision was approved.
- LaMarche Residence Exterior Materials Variation at 170 Vail Drive: The ordinance was approved.

#### **G. Other Business**

There was no other business.

#### **H. Attendance Confirmation (July 14<sup>th</sup>, 2022)**

Chair Rigoni asked the Commissioners to notify staff if they will not be in attendance on July 14<sup>th</sup>.

Commissioners Markunas and Schaeffer indicated they would not be in attendance.

**Motion (#8):** Adjournment 8:42 P.M.

Motion by: Schaeffer      Seconded by: Jakubowski

Unanimously approved by voice vote.

Approved July 14<sup>th</sup>, 2022

As Presented X As Amended     

Maura a. Rigoni /s/ Maura Rigoni, Chair

Drew Duff /s/ Secretary