



## MINUTES

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

July 27, 2023 –VILLAGE ADMINISTRATION BUILDING

432 W. NEBRASKA STREET

- Call to Order:** Chair Schaeffer called the meeting to order at 6:31 PM
- Commissioners Present:** Chair Nichole Schaeffer, Dan Knieriem, Paula Wallrich, Jessica Jakubowski, Will Markunas, David Hogan
- Commissioners Absent:** Brian James
- Staff Present:** Director of Community and Economic Development Mike Schwarz, Senior Planner Christopher Gruba, Planner Amanda Martinez, Director of Building Services Adam Nielsen
- Elected Officials Present:** None

#### A. Approval of the Minutes from July 13<sup>th</sup>, 2023

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

Motion by: Jakubowski

Seconded by: Knieriem

Approved: (5-0-1) (Hogan abstained)

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

#### B. Public Hearing: 213 Nebraska Street – Plantz Residence (Ref #107)

Christopher Gruba presented the staff report.

Chair Schaeffer asked if the applicant wanted to approach the podium for public testimony.

Chair Schaeffer asked if any of the Plan Commissioners had comments or questions.

Commissioner Hogan asked at what stage was it determined that there needed to be demolition.

Gabe Garcia, the applicant/architect for the project, responded that during excavation there was deteriorated wood, so it was determined that the home needs to be rebuilt.

Commissioner Hogan asked staff at what point did the applicant identify the said information to the Village.

Christopher Gruba responded that on May 1<sup>st</sup>, staff noticed that only one wall was left standing, instead of leaving several rooms on the first and second floor preserved as per the formerly approved plans.

Commissioner Knieriem asked if there are any rendering showing the proposed house and garage together, for a side-by-side comparison.

Christopher Gruba responded that staff requested the rendering and did not receive it from the applicant.

The applicant responded the person who does their renderings is out of town.

There was discussion about flooding issues on the subject property, specifically around the garage area.

Commissioner Wallrich asked if there is a private storm system.

Christopher Gruba responded that there is an existing storm drain along Nebraska Street that could possibly be connected to.

The applicant stated that they moved the garage east toward the alley because the garage area was flooding the most.

Chair Schaeffer reaffirmed that there were previous discussions on connecting the downspouts to the sewer on Nebraska Street.

Commissioner Wallrich asked if there were previous discussions on pervious options.

The applicant responded they did improve impervious area compared to the former house.

Christopher Gruba noted that he thought that the former house that existed on the lot included an impervious lot coverage of 41%, while the proposed house would have a 41.9% impervious lot coverage.

Laura Plantz approached the podium and responded that the former house was rotting and now they are revisiting the approved material from the previous meeting to try and make it the same as the approved plans. She stated they can change anything that has made the house different from what was approved previously.

There was discussion about the plans showing different square footage and a potential decrease in size.

Christopher Gruba asked the applicant if there was a survey done midway through that may have given more accurate dimensions.

The applicant apologized for the confusion and stated that the first survey was inaccurate, and the second survey is more accurate, both surveys had been stamped by civil engineers.

Commissioner Markunas asked if this request is essentially a clean-up because it is more accurate information.

The applicant responded yes.

Commissioner Wallrich asked if there was a building permit issued for this project.

Adam Nielson approached the podium and responded there was a demolition permit issued. It was noted midway through that there was mold and wood rot, so the demolition project went further than what was approved for. The building permit is on hold until it can be released for issuance following the outcome of this application.

Chair Schaeffer asked if anyone in the public wanted to speak before closing the public hearing. No public comments were given.

**Motion (#2):** Close the public hearing.

Motion by: Jakubowski

Seconded by: Markunas

Approved: (6-0)

Chair Schaeffer requested to go through the variations one by one for Commissioners' comments and noted that most variations were approved in the previous meeting. The first variation to discuss was the front yard setback.

Commissioner Knieriem asked if the porch was added on when comparing the former house and the previously approved house.

The applicant responded yes.

Christopher Gruba stated that the front yard setback for the former house was measured from the bay windows. The former house had some stairs and a stoop, but this was not included in the former front yard setback calculation.

Commissioner Wallrich added that the bay window area should have been considered a wing wall.

Commissioner Knieriem asked why the applicant cannot meet the setback that the adjacent neighbors have.

The applicant responded that meeting the setback line that the neighbors have would result in having only a 4' deep porch.

Commissioner Knieriem asked if the applicant can shift the porch.

Commissioner Wallrich stated she is uncomfortable with the front yard setback variation and that there is an option to decrease the depth of the porch and make it wrap around to the other balcony doors which would meet the setback the neighbors have and increase deck area.

The applicant responded that if they changed the porch, it would increase the impervious surface and lot coverage.

Angela Jensen approached the podium and stated they had already tried the option that Commissioner Wallrich mentioned but it was not approved by the Village.

Christopher Gruba added that the very first iteration of the plans included a much larger front porch with an octagonal shaped extension that encroached into the west side yard setback, which would have required another variance. In order to avoid this additional variance and also help decrease the total lot coverage and impervious lot coverage, staff recommended that the octagonal portion be removed.

Angela Jensen asked why there is discussion on variations that have already been approved.

Commission Wallrich explained that a new construction home is a blank slate in which the home abides by the Village's regulations whereas a remodel takes into consideration existing conditions. The variations were discussed at a previous meeting that some of the commissioners were not present for.

The applicant explained he is putting the home exactly how it was, and that the tragedy was unforeseen. The clients want the porch to have distance from the alley and the Village requests space for turning radius in the alley.

Commissioner Jakubowski stated that if the porch gets rearranged, it will affect the sunlight received in the home's living area.

Commissioner Markunas mentioned he had been in the construction industry for 30 years and knows from experience that unseen situations happen when you are digging things up. The home was deteriorating and from what is being said, the home that was originally there is being put back in place.

Christopher Gruba reaffirmed only inches or feet are different from the first plans and that is most likely from the second set of plans having more accurate information.

Commissioner Markunas stated he has no problem with the inch difference. He sees this as correcting the unforeseen condition while rebuilding exact same home. Commissioners already had discussion on the variations in the previous meeting and in this meeting, it is just adapting what was previously approved to today's set of plans.

Commissioner Jakubowski agreed with Commissioner Markunas and stated that the applicant should have a dry basement and that it is unnecessary to rehash old approvals.

Chair Schaeffer agreed and stated that most downtown homes are non-conforming especially in terms of setbacks along Nebraska Street and Kansas Street.

Commissioner Wallrich stated she has no concerns with any of the other variations, but she is still concerned with the precedent that will be set by the front yard setback.

There was discussion about the correct square footage being proposed, the more accurate plans show 2,511 square feet.

Commissioner Knieriem mentioned he had visited the house once and noticed the pools of water by the garage. He recommended to connect the downspouts to public storm sewer.

Chair Shaeffer noted the Commissioners can condition the approval upon the downspouts being connected to Village storm sewer. Usually, sump pumps go to the person's yard.

Commissioner Wallrich asked what if the condition is set but the Village does not want them to connect to public storm sewer. There are projects like Abbey Wood Townhomes that implemented rain gardens.

Adam Nielsen approached the podium and stated that the Building Department anticipated that they will be tying into the storm sewer on Nebraska Street. the Village has seen this before where a house had connected its small catch basin to the storm sewer on Nebraska.

Commissioner Knieriem asked if the roof height of the garage has changed since the last set of plans.

Christopher Gruba responded no.

Chair Schaeffer added that there should be no accessory dwelling unit above the garage and that will need to be a condition as well.

**Motion (#3):** Recommend the Village Board approve the variation request to permit a front yard setback of 12 5 ¼" instead of 30', on the property located at 213 Nebraska Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Jakubowski                      Seconded by: Hogan

Approved: (5-1, Wallrich voted no)

**Motion (#4):** Recommend the Village Board approve the variation request to permit non-masonry siding on the entire 1st floor of the building, instead of masonry, on the property located at 213 Nebraska Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Jakubowski                      Seconded by: Markunas

Approved: (6-0)

**Motion (#5):** Recommend the Village Board approve the variation request to permit a 5' 7" rear yard setback for an accessory structure instead of 10', on the property located at 213 Nebraska Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Wallrich                      Seconded by: Markunas

Approved: (6-0)

**Motion (#6):** Recommend the Village Board approve the variation request to permit a rear yard lot coverage of 32%, instead of 30%, on the property located at 213 Nebraska Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Jakubowski                      Seconded by: Wallrich

Approved: (6-0)

**Motion (#7):** Recommend the Village Board approve the variation request to permit a lot coverage of 32.8%, instead of 20%, on the property located at 213 Nebraska Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Markunas                      Seconded by: Wallrich

Approved: (6-0)

**Motion (#8):** Recommend the Village Board approve the variation request to permit an impervious lot coverage of 41.9%, instead of 40%, on the property located at 213 Nebraska Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Wallrich                      Seconded by: Markunas

Approved: (6-0)

**Motion (#9):** Recommend the Village Board approve the variation request to permit a 20' 5 ½" tall accessory structure (detached garage), instead of 15', on the property located at 213 Nebraska Street, in accordance with the reviewed plans, public testimony, and Findings of Fact, conditioned upon that the garage shall not be used as an accessory dwelling unit.

Motion by: Knieriem                      Seconded by: Wallrich

Approved: (6-0)

**Motion (#10):** Recommend the Village Board approve the variation request to permit an undersized dwelling unit of 2,511 square feet, instead of 2,600 square feet, on the property located at 213 Nebraska Street, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Markunas                      Seconded by: Jakubowski

Approved: (6-0)

**C. Public Hearing Continued from 5/11/23 and 6/22/23: 7654 W. Lincoln Highway - Circle K Redevelopment (Ref #108)**

Mike Schwarz noted that the applicant requested that this public hearing again be kept open and continued to the August 10, 2023 PC/ZBA meeting.

**Motion (#11):** Keep open and continue the public hearing to the August 10, 2023 PC/ZBA meeting.

Motion by: Jakubowski                      Seconded by: Hogan

Approved: (6-0)

**D. Public Hearing: 18 and 20 Elwood Street – Move Pilates Studio (Ref#109)**

Amanda Martinez presented the staff report.

Chair Schaeffer asked if the applicant wanted to approach the podium for public testimony.

Ellen Foody, the applicant, approached the podium and introduced herself and explained why she is proposing her business at the subject location.

Commissioner Wallrich noted that suggested condition that there be a 15-minute scheduling span between classes is a great idea.

Commissioner Knieriem noted that the business is a great fit for the space.

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

Kurt Nissen approached the podium and stated that he is a homeowner located at 49 Elwood Street and that he and his neighbors strongly oppose the business opening at 5:00 a.m. since there would be car headlights and noise.

Commissioner Wallrich asked if the applicant needs a variation for parking.

Amanda Martinez responded that the Zoning Ordinance mentions parking adjustments and that the adjustment can be discussed at this meeting by the Commissioners.

Commissioner Wallrich asked if this case puts the applicant into an adjustment or a variance situation.

Mike Schwarz responded typically uses have a specific parking calculation based on employee counts and square footage. For mixed use retail centers, the Zoning Ordinance assumes tenants are all operating at the same time, but realistically they won't be, so the Zoning Ordinance includes language about parking adjustments, which provides some flexibility for required parking counts if there is shared parking available. Additionally, there is language in the Zoning Ordinance that specifically recognizes that off-street parking in the downtown area is difficult for private developments.

Commissioner Markunas asked if there would be any loud music playing.

The applicant responded that typically music is playing in the background, but it never goes louder than her voice since she needs to instruct the class. The doors won't be propped open, and the music will not be blaring.

Commissioner Wallrich asked what the biggest class size would be.

The applicant responded they have only 8 machines now, but the space allows for 10, so 10 people in a class would be the biggest class size.

Chair Schaeffer asked if the motions were supposed to be separate or all at once.

Mike Schwarz recommended that there be separate motions for each Special Use request.

**Motion (#12):** Close the public hearing.

Motion by: Jakubowski

Seconded by: Hogan

Approved: (6-0)

**Motion (#13):** Recommend the Village Board approve a Special Use Permit for Indoor Recreation for a health/fitness facility in the H-1 Historic District, for the property located at 18-20 Elwood Street, Frankfort, IL 60423 (PIN: 19-09-21-410-035-0000), in



accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following two (2) conditions:

1. The applicant shall obtain a Business License; and
2. The business shall implement a minimum 15-minute break in between classes to accommodate parking space turnover.

Motion by: Wallrich                      Seconded by: Knieriem

Approved: (6-0)

**Motion (#14):** Recommend the Village Board approve a Special Use Permit for extended hours of operation (opening at 5:00 a.m.), for the property located at 18-20 Elwood Street, Frankfort, IL 60423 (PIN: 19-09-21-410-035-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following two (2) conditions:

1. The applicant shall obtain a Business License; and
2. The business shall implement a minimum 15-minute break in between classes to accommodate parking space turnover.

Motion by: Markunas                      Seconded by: Hogan

Approved: (6-0)

**E. Public Hearing: 9975 W. Lincoln Highway Unit 3 – Veelii Spa (Ref#110)**

Amanda Martinez presented the staff report.

Chair Schaeffer asked if the applicant wanted to approach the podium for public testimony.

Jing Wang, the applicant, approached the podium and introduced herself, her business, and her request.

Commissioner Markunas asked if there are any other services provided besides massages.

The applicant responded no.

Commissioner Markunas asked staff if the business decided to expand, would they need to come back through the process.

Amanda Martinez responded yes.

Chair Schaeffer asked if there is enough space to add another massage room if the applicant wanted to.

The applicant responded that the one big room is going to be for the massages and the small space behind will be restricted to only employees.

**Motion (#15):** Close the public hearing.

Motion by: Jakubowski                      Seconded by: Markunas

Approved: (6-0)

**Motion (#16):** Recommend the Village Board approve a Special Use Permit for a Massage Establishment to operate in the B-2 Community Business District for the property located at 9975 W. Lincoln Highway, Suite #3, Frankfort, Illinois 60423 (PIN 19-09-21-416-002-0000), in accordance with the submitted plans, public testimony, and Findings of Fact, subject to the following conditions:

1. The applicant shall comply with Zoning Ordinance Article 5, Section C, Part 11.1, Use Regulations for Massage Establishments.
2. The applicant shall obtain a Business License.

Motion by: Markunas                      Seconded by: Hogan

Approved: (6-0)

#### **F. Public Comments**

There were no public comments.

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

Mike Schwarz noted that the Special Use Permit for outdoor seating for El Mezcal Restaurant located at 9645 Lincolnway Lane, Units 105-107 was approved by the Village Board at its meeting on July 24<sup>th</sup>.

#### **H. Other Business**

Mike Schwarz noted that the American Planning Association, Illinois Chapter, is having its annual conference in Naperville in September which typically consists of one of the three-days being devoted to in-depth Plan Commissioner training.

Chair Schaeffer asked when staff would need confirmation from Commissioners if they could attend in order to register for the conference as a group.

Mike Schwarz responded within the next couple of weeks should be fine.

#### **I. Attendance Confirmation (August 10<sup>th</sup>, 2023)**

Chair Schaeffer asked the members of the Plan Commission who will be present at the August 10<sup>th</sup> meeting.

Commissioners who were present responded that they will be present on August 10<sup>th</sup>, except for Dan Knieriem and David Hogan.

**Motion (#18):** Adjournment 8:01 P.M.

Motion by: Markunas

Seconded by: Jakubowski

The motion was unanimously approved by voice vote (6-0).

Approved August 24<sup>th</sup>, 2023

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

Will Markunas /s/ Will Markunas, Acting Chair

Christopher Bruba /s/ Secretary