



MINUTES

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

September 22, 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, Brian James, Will Markunas, Nichole Schaefer, Dan Knieriem, Jessica Jakubowski
- Commissioners Absent:** 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 September 8, 2022

Mike Schwarz noted that the minutes had a few minor errors, specifically regarding the names of several PUDs discussed during the Public Hearing for Opa!

Chair Rigoni specified that the changes would be made on page seven of the September 8 minutes in paragraphs seven and eight. She asked if there were any questions from members of the Plan Commission.

There were none.

Motion (#1): Approval of the minutes, as amended, from September 8, 2022

Motion by: Schaeffer

Seconded by: Knieriem

Approved: (5-0, Commissioner Jakubowski abstained)

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

B. Public Hearing: 240 Center Road – Oltman Residence (Ref #104)

Chris Gruba presented the staff report.

Chair Rigoni invited the applicant to the podium.

The applicant, Steve Lecas, approached the podium. He noted that at the workshop the Plan Commission asked the applicant to try and meet the setback requirements. The biggest challenge encountered while trying to meet all setback requirements was the “pinched” area of the property. One member of the Plan Commission had suggested moving the home further away from Center Road. Due to the geometry of the property, meeting both side yard setbacks by moving the home away from Center Road was unfeasible. However, the applicant was now able to comply with the side yard setback along the north property line. The side-loaded garage and driveway on the south side of the property were now closer to the south property line. Many homes in the downtown area had driveways located within the required driveway setback, so Lecas believed this was not a large concern. He asked staff whether the Landscape Ordinance was new or not.

Staff responded it was not.

The applicant noted that it was the first time he had encountered the tree preservation requirements of the Landscape Ordinance. He had experience with many homes in the Village and had never encountered any difficulties with the Landscape Ordinance. Requiring 26, 2.5” caliper trees to offset the loss of four preservation trees seemed excessive. There were many trees on the subject property, many of which were either in poor condition or dead. They would do their best to keep the evergreens during and after construction. The property owner had indicated to Lecas that he had no preference for keeping or removing the existing evergreens along the south property line, so the architect would defer to the preferences of the neighbor to the south. In regard to the new proposed ChamClad material, Lecas had brought a sample for the Commission. He handed the sample to the Commission to inspect as he spoke. The metal siding material that was proposed previously and discussed at the workshop was still available, however the color that they intended to use was only available for interior applications, not exterior applications. ChamClad, on the other hand, did provide materials in the desired color which were appropriate for exterior use. The material was made in part through a 3-D printing technique, which helped to achieve the faux-wood look. Lecas stated he was happy to answer any questions for the Commission.

Chair Rigoni asked if there were any initial comments from the members of the Plan Commission.

There were none.

Chair Rigoni opened the public hearing, and asked if there were any members of the public willing to speak on the matter.

Josh Bohms, a resident who lives at 246 Center Road, stated that he had no issues with the proposed building. He also had no opinion on the evergreen trees which could be impacted by the proposed driveway.

Mary Tepper, another resident who lived near the subject property, expressed her concern for the design of the home. It did not look like any other home in the downtown area. It was very modern looking. Even though the property was not in the heart of downtown, it was still considered a part of the downtown residential area per the Comprehensive Plan. She noted that the design of the proposed home did not follow the downtown residential design guidelines which the community worked to develop as a part of the 2040 Comprehensive Plan back in 2019. Mary had worked with the Village and the guidelines with her own home, in order to make sure that the design matched the neighborhood context. The proposed home did not match that same neighborhood context.

Chair Rigoni clarified that the downtown residential design guidelines were not enforceable, unlike the Zoning Ordinance, which was enforceable.

Ms. Tepper stated she understood that the guidelines were not enforceable, but that one would expect someone moving into the downtown area to make efforts to abide by the guidelines and act as a good neighbor in doing so. She again stated that the proposed design of the home felt out of context from an architectural standpoint.

Beth Partyka, another neighbor, approached the podium. She stated that she had the same concerns as the other people who had made comments before her. She understood that the design guidelines were not enforceable like the Zoning Ordinance. It felt confusing that so much work went into creating the design guidelines for them to not be followed or adhered to, especially when other residents in the downtown area worked within the guidelines. She stated that the proposed design had many features that the guidelines were created to avoid.

Chair Rigoni asked if there were any other comments.

There were none.

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

Motion by: Jakubowski

Seconded by: Schaeffer

Approved: (6-0)

Chair Rigoni summarized the motions which were before the Plan Commission. There were two variances related to the proposed driveway and two variances for the proposed materials. She asked for comments from the Plan Commission in regard to the building materials.

Commissioner Knieriem stated that the ChamClad sample looked so similar to wood he could not tell the difference.

Commissioner Schaeffer agreed, saying she thought the materials were appropriate.

Commissioner James noted that one of the intentions behind designing products like Hardie Board was to create a material which looked like wood. ChamClad also achieved that effect.

Commissioners Jakubowski and Markunas agreed.

Chair Rigoni asked staff what the Building Department's opinion on the material was.

Chris Gruba responded he had spoken with the Building Department director, who was unfamiliar with the ChamClad product. Gruba added that the Zoning Ordinance specifically prohibits vinyl siding but is silent regarding PVC siding. However, both vinyl and ChamClad are PVC products.

Chair Rigoni stated that she was hesitant to approve the material since the Plan Commission was first made aware of it at the meeting and given how similar it was to vinyl. Not getting a clear response on the quality of the material from the Building Department was another reason for her hesitancy. She asked the Plan Commission for their comments on the variances related to the proposed driveway.

Commissioner James stated that so long as the neighbor to the south was comfortable with it, he saw no issue.

Commissioner Markunas stated that because the proposed home was new construction, rather than an addition, and because the lot was larger than a standard lot in the R-2 Single Family Residential District, he struggled to find the hardship the property owner faced for the two variances for the driveway.

Chair Rigoni understood that there were other homes in the downtown area which had driveways close to their respective property lines. It was also important to consider that the subject property was 38,000 square feet, more than twice the size of the minimum requirement of 15,000 square feet. She asked the Plan Commission if they had any comments on any other considerations, such as the downtown design guidelines.

Commissioner Schaeffer noted that the Commission had an issue with the building setback on the north side during the workshop. One of the changes the applicant had made in response was to adjust the design to meet the building setback requirement on the north side of the property. Because of this, she felt comfortable with the proposal. In addition, the neighbor to the south gave their public support to the project, which led her to be comfortable with the two variances being requested for the driveway.

Commissioner Knieriem said he saw both sides of the issue. He appreciated the applicant making an effort to get the home to meet code. Since the neighbor to the south was comfortable with the project, he did not see any issues.

Commissioner Markunas thanked the applicant for trying to meet code.

Chair Rigoni moved the discussion to the Landscape Ordinance requirements for replacing preservation trees.

Commissioner Knieriem asked why the largest preservation tree, a hackberry, needed to be removed, given its distance from the home.

The architect responded that the large hackberry was located right on the edge of where the builders would be working, though it was not over the house. The decision to remove the tree was a result of the ten-foot over-dig which would be required to allow for construction of the foundation. The over-dig would get close to where the tree was, and the tree would become a safety hazard. In the architect's experience, when excavating close to the roots, and particularly when needing to cut some of the root system away, trees did not survive very long after the fact. He has contracted with services which would try to help the tree recover, but the interventions were commonly unsuccessful. From a safety perspective, it was smarter to cut down the tree than to work around it.

Commissioner Schaeffer asked if the strict requirements of the Landscape Ordinance could be relaxed regarding the number of replacement trees required.

Chris Gruba responded that the requirements could be waived by the Code Official, but he was seeking input from the Commission and whether they felt strongly one way or the other.

Chair Rigoni stated she thought requiring 26 trees to replace one tree seemed unreasonable, but that she was hesitant to suggest waiving the requirement altogether. She asked if the large hackberry tree was the only one to be removed.

Chris Gruba clarified that five trees in total were going to be removed, four of which were classified as preservation trees. There was one large hackberry tree and three smaller hackberry trees.

Chair Rigoni asked if the members of the Plan Commission had any direction for staff.

Commissioner Knieriem asked if the applicant had submitted a tree plan.

Staff said they had not, that the removals were noted on the submitted site plan.

Commissioner Markunas suggested staff follow the requirements of the Landscape Ordinance.

The architect clarified that the smaller hackberry trees would not be in the way of any construction, since they were close to the lot line.

Chair Rigoni responded that on the site plan those trees were marked for removal.

The architect said he was unsure why they had been marked, and stated that the only hackberry to be removed would be the large one.

Staff noted that Landscape Ordinance requires a 1”-for-1” replacement for any preservation tree being removed.

Chair Rigoni said that the replacement requirements may be met by the proposed landscape plan, which had not yet been submitted to staff.

The architect stated that a landscape plan would be submitted to the Village for review and approval. He would also plant some trees on-site before beginning construction.

Chair Rigoni asked staff if they were clear on the direction the Plan Commission had provided.

Staff responded that they would make sure the proposed trees and the replacement of the large hackberry complied with the Landscape Ordinance, without waiving any requirements.

Motion (#3): Recommend that the Village Board approve the variance request for first-floor building materials to allow non-masonry siding on the property located at 240 Center Road, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Markunas

Seconded by: Jakubowski

Approved: (5-1, Chair Rigoni voted no)

Motion (#4): Recommend that the Village Board approve a variance from Article 6, Section B, Part 4(i) to permit a metal roof on a residential structure on the property located at 240 Center Road, in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Knieriem

Seconded by: James

Approved: (5-1, Commissioner James voted no)

Motion (#5): Recommend that the Village Board approve a variance from Article 6, Section B, Part 2(i) to permit a driveway serving a side-loaded garage to be 1’ from the side property line, whereas 4’ is required, on the property located at 240 Center Road in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5-1, Chair Rigoni voted no)

Motion (#6): Recommend that the Village Board approve a variance from Article 5, Section D, Part 3(b) to permit a driveway serving a side-loaded garage to have a turning radius of 25', whereas 26' is required, on the property located at 240 Center Road in accordance with the reviewed plans, public testimony, and Findings of Fact.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (4-2, Commissioner Markunas and Chair Rigoni voted no)

Chair Rigoni announced that all motions had carried, and that this case would be heard by the Village Board at their October 3rd meeting. She expressed that she voted against approving the building materials variance (Motion #3) because the materials had changed between the workshop and the public hearing.

C. Public Hearing: 21800 S. La Grange Road – Proposed Pickleball (Ref #105)

Chris Gruba presented the staff report.

The applicant, Tony Villa, approached the stand. He thanked staff for their work on the case. He explained that since he received approval to construct the new pickleball building at 9093 W. Fey Drive, the price of building materials increased dramatically.

Since then, the applicant had searched for another location in which the building was already constructed and decided on the property currently before the Plan Commission. Renting the tenant space would give the applicant a chance to try out the business concept without having to invest money in a brand-new facility. To his knowledge, the neighboring businesses had approximately four employees between them, which explained why the parking lot was typically as empty as it was. The estimated 60-person occupancy limit was high in his opinion.

Chair Rigoni asked staff to clarify the numbers of code-required parking for the various uses on the site, 23 spaces were required for the other two uses, which left 29 available for the proposed pickleball court.

Staff said she had the numbers correct.

Chair Rigoni asked if there were any people present who wished to give comments on the proposal.

There were none.

Motion (#7): Motion to close the public hearing.

Motion by: Schaeffer

Seconded by: Knieriem

Approved: (6-0)

Chair Rigoni summarized the motions before the Plan Commission, there was a parking adjustment and a request for a Special Use Permit. She asked the other members of the Plan Commission if they had any comments on the Special Use Permit.

Commissioner Jakubowski said she had no issues with either the parking available on-site or the use.

Commissioner Markunas stated he had no issues with the use, either. He asked if the same conditions would be in place at the new location as the old location. Specifically, that there would be no food sales.

The applicant responded that Commissioner Markunas was correct, there would be no food sales, and the other conditions in place for the old site would be in place here as well.

Commissioner James agreed with other members of the Plan Commission that there was no problem with the use. Since there were two-hour blocks for reservations, he said he expected that turnover at each of the courts might be simultaneous or staggered. He saw no issue with parking.

Commissioner Schaeffer asked if the number of required bathroom facilities was an issue which would impact the granting of a Special Use Permit or a matter of Building Code compliance.

Staff responded that the number of bathroom facilities was a matter of Building Code compliance and that it was added as a condition of approval of the Special Use Permit.

Commissioner Knieriem asked if the covered rear portion of the building would be closed in or left as-is.

The applicant responded that per his conversations with the Fire District, a railing would need to be installed as well as an additional set of stairs for evacuation.

Commissioner Knieriem asked if the applicant had any plans to build additional courts in the rear open area.

The applicant said he did not.

Chair Rigoni stated she had no issue with the parking available on-site. She was unsure whether there was a need to limit parking, when instead the Plan Commission could limit the number of available courts instead.

Commissioner Schaeffer wondered if there was only enough space inside the building for four courts.

The applicant stated that there was only enough room for four courts.

Chair Rigoni said that was good information to help them understand the impact on parking. She asked if there were time buffers between reservations for the same court.

The applicant responded, saying reservations would typically have one hour and forty-five minutes for games, which would leave fifteen minutes for turnover. The system was designed this way to make it easy to walk into the space and have a court available, since one of the most common drawbacks to using public facilities was a lack of available spaces, which would deter patrons.

Commissioner Knieriem asked if games typically had four people playing or two.

The applicant said that most games are played as doubles, with four people per court, but singles was a possibility as well.

Chair Rigoni asked staff if the adjustment was needed because of a strict interpretation of the Zoning Ordinance.

Staff said they were looking for a specific number of parking spaces to be assigned to the pickleball use. Without a floorplan prepared by an architect, it was impossible for Village staff to determine the “maximum occupancy” of the tenant space. Gruba noted that he believed that once the architectural floorplan is obtained, as will be required prior to issuing a building permit, that it will demonstrate a higher maximum occupancy which would then require a high number of parking spaces per the Zoning Ordinance, exceeding the number available currently. Since the existing parking lot has always been observed at under-capacity (perhaps 3-6 cars total on any given day), it would make practical sense to assign a certain number of parking spaces to the pickleball use. Gruba noted that a situation could arise in which the Avanti Furniture warehouse in Unit A moved out and that a banquet facility was then proposed. By definitively assigning and calculating parking for the pickleball use, staff could then accurately perform a parking analysis for a potential future banquet facility use.

Chair Rigoni asked the applicant how many employees would be on-site at one time.

The applicant said there would be only one employee on-site at a time.

Chair Rigoni stated that 17 parking spaces would be required if all four courts were in use by four people, all driving separately, and one for the employee.

Commissioner Knieriem then added another eight potentially required spaces to accommodate any patrons who arrived early for their reservation. This brought the total to 25 parking spaces.

Chair Rigoni asked if adding the parking requirement as a condition to the special use would be agreeable to the Plan Commission, in lieu of a separate motion for a parking adjustment.

Staff said they would prefer a separate motion, but would defer to the Plan Commission.

Commissioner Schaeffer asked if there might be a potential issue where, after the proposed pickleball use leaves the space, any future use may be bound to the same 25-space parking limit.

Staff clarified that the 25-parking space limit would be tied to the pickleball use specifically, and would not then limit a future non-pickleball use in that same space.

Commissioner Knieriem noted that there was plenty of space to park in the gravel lot behind the building as well, should it be needed.

The applicant explained that the gravel lot was used by one of the other tenants for trucks, as did the previous tenant. There were no parking spaces designated, but it could be something explored in the future.

Chair Rigoni requested that the reasoning which led the Plan Commission to settle on 25 parking spaces as the limit for the proposed use be reflected in the minutes of the meeting.

Staff explained that they were looking for a specific number to use when calculating the parking requirements for the proposed use and the site as a whole, as well as for any future uses.

Commissioner James asked if there was a possibility that the office space used by one of the other tenants may grow, requiring more parking in the future.

Staff noted that the tenant in question primarily used their space as a distribution point, which may limit the need for offices at that location.

Motion (#8): Recommend that the Village Board approve a special use for an indoor recreation facility at 21800 S. La Grange Road, Unit B, in accordance with the reviewed plans, findings of fact, and public testimony, conditioned on the following:

1. If any mechanical uses are added to the roof of the site, they shall be screened per the requirements of the Zoning Ordinance.
2. The project shall obtain compliance with all applicable codes, including the Fire Code and International Building Code.
3. There shall be no indoor bleachers installed and no tournaments held at this location.

4. No less than 25 required parking spaces shall be allocated to the proposed use.

Motion by: Markunas

Seconded by: Jakubowski

Approved: (6-0)

Chair Rigoni said the item would be put before the Village Board on October 3rd.

D. Public Hearing: 8531 W. Lincoln Highway – Oasis Assisted Living (Ref #106)

Chris Gruba presented the staff report.

Sam Martin, the architect and representative of the applicant, approached the podium. The proposed development was for an assisted living facility. The organization he represented had over fifty other locations in multiple other states, though this would be the first location in Illinois. A market analysis showed that the Frankfort area needed 200 additional beds to meet the expected demand for assisted living facilities. The architecture of the building was designed with the nearby neighborhood in mind, aiming to match what was already there. He had met with the local Homeowner's Association for Windy Hill Farm and felt they were able to address the residents' concerns and did their best to match their visions for the neighborhood. Turning to the prospective residents, the applicant was of the mind that the prospective residents of Oasis would have spoiled their children while raising them, and the applicant was looking to do the same for the residents now at the proposed facility. He explained that everyone would require a similar service at some point in their lives, and wanted to make sure that residents felt a part of a community rather than set aside by their relatives and by society. Those factors were considered when he chose the location of the facility.

Chair Rigoni asked the members of the Plan Commission had any initial questions for the residents.

There were none.

Chair Rigoni asked if there were any members of the public who wished to give comment.

Patrick Shea approached the podium. He had been a resident of Frankfort for 20 years, and recently retired to Windy Hill. He had driven past Windy Hill along Lincoln Highway for many years and always appreciated how the area looked. In his opinion, a facility the size of the current proposal ought to have an entrance off of Route 30 rather than Windy Hill Drive. He understood that kind of adjustment to the proposed plans would require IDOT involvement, but felt that it was necessary. Having an entrance on Windy Hill Drive would negatively impact both the road and the neighborhood. Ultimately, he expected that there would be some need to ask for a traffic signal to be installed eventually, anyway. He said he appreciated the need for places like this, but felt

that this was too ambitious a project for this location. He made clear he was not an engineer, but he was still skeptical that overland flow and drainage would work as was suggested by the Village's engineering consultants after reviewing the plans. He didn't feel like the Village should make exceptions for this project.

Ron Fries approached the stand. He said he had been a Frankfort resident for over 50 years. He moved to Windy Hill, and had a great view of an idyllic spot, one of the last in Frankfort. It would be a shame to lose that green space for this development. What originally drew him to the neighborhood was the aesthetic, as was mentioned by the previous speaker. The Plan Commission knew as well as the neighbors did how additional residences would impact Village services. There were already traffic issues on Windy Hill Drive, including a recent collision, which would only get worse with this development. He hated to see this space converted from green space to this proposed development. He felt bad for future residents of the development who would have to listen to semi-trucks braking to stop along Lincoln Highway. He said he would respect the Plan Commission's decision for the Village with 1890's charm.

Bunny Mashione approached the stand, a resident of Windy Hill Farm. She agreed with the other people who had spoken, that this was not an appropriate spot for this development. She did not know why the applicant could not build across Lincoln Highway. The proposed development would ruin Windy Hill Farm. An additional stop light at that intersection would not be good for the neighborhood. There would eventually be a death at that intersection. Traffic was bad already at that intersection, and this was not the place for this building. She asked why the plans had changed from one building to four. In addition, she believed the proposed retaining wall was a bad idea. A cinder block retaining wall would take away from the visual appeal of Windy Hill Drive. Someone would be killed turning off of Windy Hill Drive onto Route 30. The other option for people leaving the neighborhood would be to exit onto Pfeiffer Road, which was also not a good option. She was also concerned over drainage on south side of the property. The proposal included covering a stream, which she did not like. The neighborhood's residents moved to Windy Hill for its visual appeal, and now it would be lost. She asked if there would be four buildings on the property.

Chair Rigoni clarified there would be only one.

Bunny Mashione asked if there would be a memory wing.

Chair Rigoni stated that there would be, as part of the same building.

Bunny Mashione continued saying she felt the Plan Commission had made up their minds already. She asked if the Plan Commission had.

Chair Rigoni thanked her for her comments.

Bunny Mashione asked if the Plan Commission would answer her question.

Chair Rigoni responded that the procedure for a Public Hearing was to take public comments before the Plan Commission deliberated and voted on its recommendation.

Bunny Mashione stated that she and her neighbors were all opposed to the development. She said she would like the Village to send out a survey to get more input from the Windy Hill residents. The proposed development would impact their lives. Her own property looked out over the site of the proposed development. The Village ought to send a survey to every home in Windy Hill to let them know what was going on at this property. She would like the survey to show the Windy Hill Drive entrances, which would be seen as an issue by the residents. This development was a big mistake. The applicant could develop on the north side of Lincoln Highway, since the land was for sale. This was wrong. She asked the Plan Commission to please consider sending a survey to Windy Hill residents for their input, she wanted them to know about the entrances which would be considered a big problem. Someone would get killed.

Rita Starkey approached the stand, she was a resident of Windy Hill Farm. She explained that she had brought up her concerns at the workshop and neighborhood meeting. She had asked at the workshop for Oasis what the license for the development was for. She was told it was for senior citizens, but in reality, it was for assisted living. In her experience in other communities, there was another development which was described as a senior project. Due to a lack of seniors, the assisted living facility was expanded to help a greater range of people who fell under assisted living definition. Eventually, the residents became a problem, as stores closed and the residents would knock on doors and windows in the neighborhood and try to enter other people's property. She could not imagine that in her neighborhood. She was aware that other senior facilities around Frankfort are struggling to fill capacity. If they couldn't fill up, this proposal would also struggle to fill all its beds. Then it would turn into same situation she had experienced in another community.

Terry Colins approached the stand. He said that he liked that the applicant was helping people, but didn't like that the buffer between the building and other properties was only 35 feet. He asked if there were only 35 feet between the building and the road.

Staff responded that it was 64 feet from road to building, 35 feet of which was a landscaped area starting from the south property line.

Terry Colins responded that he recalled a 250' notification being sent out. He asked why it was sent out.

Staff said it was village policy, a courtesy, to send out notification letters to properties within 250' of the proposal.

Terry Colins asked how the 250' was calculated.

Staff responded that 250' was measured from the property line of the proposed development.

John Burgess approached the stand, he lived near this proposed facility. He asked first what the barrier between the south property line and his back yard was,

Chair Rigoni explained there was 35 feet of green space, and asked staff to display the landscape plan.

Staff displayed the landscape plan on the screen.

John Burgess asked if there would be a line of trees, a road, and then the building when moving from the south property line of the proposed development to the north.

Chair Rigoni confirmed he was correct.

Commissioner Knieriem added that there would also be a grassy area between the line of trees and the road.

John Burgess then asked about lights. He and his neighbors had homes that overlooked the subject property. They lived on a hill. If he wanted to look at a facility out from his bedroom window, he would have moved somewhere else. He said he did not understand why the applicant would choose build at that location, it was frustrating to him.

Bunny Mashione returned to the stand. She was concerned about the stream which was proposed to be filled in. She said she loved the wildlife that came through the area. She asked if the trees in the back be removed. She added that 35' was not a large area of landscaping. She said she felt it was a done deal, and she wished the board would just tell the public what they planned to do. She claimed the current notification process was insufficient.

Dan Anderson approached the podium. He said he lived across the street from the proposed facility. He said he would see a roof out over Lincoln Highway if this proposal was built. He had paid an extra \$10,000 for the view he currently had. He added that to put the entrance to the facility on Windy Hill Drive was ridiculous, and that there was no room for it. He asked why the applicant would build on the subject property when there were other places to build. He agreed with all others who had made comments. He noted that his view would be ruined, no more greenery or wildlife. It would also negatively impact his property values.

Motion (#9): To close the public hearing.

Motion by: Schaeffer

Seconded by: Knieriem

Approved: (6-0)

Chair Rigoni asked the members of the Plan Commission to be sure they addressed public comments regarding the engineering, lighting, and overall use. She asked staff if there were any variations requested or any other motions besides the Special Use Permit.

Staff responded the only request was for the Special Use Permit.

Chair Rigoni explained that engineering was not under the purview of the Plan Commission, but there were some concerns from the public regarding stormwater flow. She asked staff to clarify what the engineering documents showed.

Staff noted that there were existing storm pipes on site already, and that all water would drain towards Hickory Creek to the southeast.

Chair Rigoni asked if stormwater detention for the subject property was accounted for when Windy Hill was originally approved.

The engineer, Tom Carroll, approached the stand. He said that yes, this parcel had been accounted for to a certain level of impervious coverage, which the current proposal was under. Stormwater pipes were installed as well as a water main and sewer. This site was designed to be developed when the area was initially annexed into the Village of Frankfort. Stormwater would drain to the south and east, while the properties abutting the subject property to the south would drain to the north and east, away from the existing townhomes.

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

Commissioner Knieriem asked if the applicant planned to fill the creek.

The engineer responded that they would. It was considered a drainage way, and some culverts were put in during the initial development, catch-basins as well. The creek would be filled in. They were working with the Army Corps of Engineers to get a permit to fill in the creek.

Chair Rigoni asked if there were any questions regarding traffic.

The architect stated that the traffic impact would be minimal. Residents did not typically drive, and even those residents with with cars would rarely move them. There would be three shifts of employees, from 7:00 to 3:00, 3:00 to 11:00, and 11:00 to 7:00. Employees coming and going would be the main driver of new traffic. There would be some staggering in departure times and arrivals for different shifts. Staff could not leave the premises for meals. Deliveries would be made in the early morning, and the delivery vehicle would be the size of a large U-HAUL or a box truck, not a semi-truck. Deliveries would only take place once a week around 7:00 AM.

Commissioner Markunas asked if the applicant offered transportation for residents.

The architect responded that yes, there would be a bus for to take residents on trips. Most residents liked to have their doctors visit them on-site, and he would like to accommodate this if possible. The doctors would visit once or twice a month.

Commissioner Markunas asked what the applicant's experience was with applicants walking around.

The architect responded that building would be secured, and that anyone would need a code to get in or out. Independent residents could come and go as they please, but most tended to come home early and be in bed around 7:00 in the evening. Many residents would be forgetful and would not be able to hear very well. The applicant explained that the facility would do what they could to maximize the residents' comfort. Residents did not usually wander, and facilities were provided to address residents' needs for exercise and movement. The building was also designed to have courtyards which would provide a safe outdoor space for residents. Some residents may have pets, such as small dogs or cats, which would be let out in the courtyard. Any resident outside the facility was usually accompanied by caregiver.

Chair Rigoni asked what kind of in and out traffic could be expected.

The architect responded that it would be mostly employees, since few relatives come visit and are often out of state. Relatives of residents who visit daily were uncommon.

Chair Rigoni thanked the applicant, and explained that she was trying to gauge how other permitted uses in the B-2 Community Business district would alternatively impact traffic.

The architect added that the proposed development would have a lower traffic impact than typical retail.

Chair Rigoni asked if there were any other traffic comments.

There were none.

Chair Rigoni noted that there had been some changes to the design since the workshop. She asked the other members of the Commission if there were any comments on the use.

Commissioner Knieriem said he had no issue with the use. There could be something more impactful on that site, like a business or a restaurant with a drive-thru. This was likely one of the least impactful developments possible for this site. He understood why people would not like the proposal, but the alternative could be worse.

Commissioner Schaeffer agreed. She added that this parcel would be developed anyway. In regard to the comments about views and roofs, this property was never intended to stay green. The applicant took great care to blend their proposed architecture with community.

Commissioner James agreed. He stated that he lived near Wolf Road, and commonly saw the other facilities. He noted that the number of vehicles going in and out of those facilities was minimal, and said he would expect the same level of traffic at this property. He asked the applicant to address the concern around licensing and age of residents.

The architect explained that residents must be 55 years old or older, and that the license was for a care facility. Most residents would be those who lived on their own and needed help. The applicant did not receive a license to house and/or care for people with mental disabilities. Even if he wanted to, his license would not allow it.

Commissioner James confirmed that there would be no ability to take in younger adults with special needs.

The architect agreed that this facility could not take them in.

Commissioner Markunas agreed that the proposed use was the least impactful use for this site. He asked that the photometric plan be displayed to help address residents' concerns about lighting.

The photometric plan was placed on screen.

Staff noted that all but one of the lights to be installed on south side pointed down at the ground.

Commissioner Markunas noted that he was reading a measurement of 0 foot-candles on the south property line.

Staff agreed and added that those measurements met code. There was also one light pole on the south side of the property, and per the submitted specifications, they were shorter than typical light poles.

Commissioner Markunas noted that the discussion has not yet factored in the proposed vegetative screening along the south property line.

Commissioner Jakubowski stated she did not have much to add. She had visited other locations, and in those places the memory care wings were full. She added that there was a need for facilities like the one proposed. This property was always supposed to be developed, and this was the least impactful use.

Chair Rigoni asked the Plan Commission to give staff direction on the proposed trees. She noted that they went from a workshop where 15 feet of landscaping was provided as separation, to the currently proposed 30 feet for landscape screening. Architecture and other site considerations had been made to mitigate any adverse impact on neighborhood. This was a commercially zoned property and many other developments could be built on this site which would have a greater impact on the neighborhood. The Plan Commission

had not yet made their decision. She asked the Plan Commission their opinion on the increased number of evergreen trees and the decreased number of deciduous trees.

The members of the Plan Commission all agreed it was a good change.

Chair Rigoni asked how tall the trees would be at the time of installation.

Staff responded that they would meet the requirements in the Landscape Ordinance, and believed they would be 6' tall.

Chair Rigoni asked what time garbage collection would take place.

The architect estimated it would be early in the morning, around 7:00 AM for food deliveries. For garbage collection, he would coordinate with the neighborhood to find a time that would be the least disruptive.

Chair Rigoni stated she wanted to be clear what the applicant meant by "really early," and explained that the delivery times were within the Village's allowed hours of operation.

The architect suggested that deliveries could be later in the morning too, between 8:00 and 10:00 AM.

Chair Rigoni asked staff if they wanted the Plan Commission to discuss any other topics.

Staff requested the Plan Commission discuss the proposed architecture and materials.

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

There were none.

A member of the public asked if she could comment.

Chair Rigoni responded that the public hearing had been closed.

Staff clarified that if it was the desire of the Plan Commission, they could re-open the public hearing.

Motion (#10): To reopen the public hearing.

Motion by: James

Seconded by: Knieriem

Approved: (4-2, Commissioner Knieriem and Commissioner Schaeffer voted no)

Bunny Mashione approached the podium. She said that the neighbors understood the subject property would be developed at some point. She had experience being on a board

before, and knew that the Plan Commission had the power to decide what would and what would not be able to locate at the subject property.

Chair Rigoni asked that Ms. Mashione ask her question and stay on topic.

Bunny Mashione continued, saying the neighbors knew something was coming, they just did not expect a development of the size proposed. The Plan Commission has the ability to say what does or does not go on that site. Offices would be nice there, but the Plan Commission had the ability to decide what went there.

Chair Rigoni thanked Ms. Mashione for her comments.

Rita Starkey approached the podium. She explained that she was not against the development, rather she was scared because the change from senior living to assisted living created a gray area. She asked the Plan Commission how the neighbors can be certain that the applicant only takes in who they say they will at this meeting.

Chair Rigoni responded that the applicant was on record saying what they will do, and they will be held to that.

Motion (#11): To close the public hearing.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (6-0)

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

Commissioner Schaeffer asked staff whether their question for clarification on what would happen with the entrance sign along Lincoln Highway was directed to the Plan Commission or to the applicant.

Chair Rigoni stated that the submitted plans stated the sign would remain.

The architect and engineer affirmed their intention to keep the sign.

Commissioner Schaeffer asked staff if their question was answered sufficiently.

Staff said it was, and noted the existence of an easement by the sign.

Commissioner James asked if the Plan Commission could set a requirement for where bus would be parked.

Chair Rigoni said they could.

Commissioner James stated he would like the bus parked on the west side of the property.

Commissioner Schaeffer asked where the trash enclosure was moved to.

Chair Rigoni indicated where the trash enclosure was moved to. She asked if the Plan Commission wanted to add bus parking as condition.

Commissioner James and Commissioner Markunas said they did.

Chair Rigoni asked the members of the Plan Commission if they were comfortable with the received public testimony.

All members responded by stating that they were.

Chair Rigoni asked staff if they needed any direction in regard to landscaping.

Staff said that the minutes reflected that the landscaping was acceptable. Staff then asked if any members of the Plan Commission wanted to make comment on the proposed retaining wall.

Chair Rigoni stated they should match Chase Bank on La Grange Road, which the applicant had cited as an example.

Staff asked the Plan Commission if they had any preference for color.

Commissioner Markunas said it should match the building.

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

There were none.

Motion (#12): Recommend to the Village Board to approve the Special Use Permit for an assisted living facility, in accordance with the reviewed plans, findings of fact, and public testimony, conditioned upon final engineering approval, the replacement of any damaged sections of public sidewalk, that the base of any future ground sign shall be consistent with the materials of the wainscot of the building, and that the facility's bus be parked on the west side of the building.

Motion by: Schaeffer

Seconded by: Markunas

Approved: (6-0)

Motion (#13): Recommend the Village Board approve the Final Plat of Subdivision for Oasis Senior Living, in accordance with the reviewed plans and public testimony, subject to any technical revisions prior to recording and conditioned upon final engineering approval.

Motion by: Schaeffer

Seconded by: James

Approved: (6-0)

Chair Rigoni thanked the architect for hosting a neighborhood meeting. The Plan Commission often asks applicants to hold them, but they don't always happen.

E. Public Comments

There were none.

F. Village Board & Committee Updates

Mike Schwarz noted that the following matters that previously came before the PC/ZBA were approved by the Village Board at its meeting on September 19:

- 25 Carpenter Street variances and plat of resubdivision were approved.
- Special Use Permit for Facen4Ward at 20871 S. La Grange Road was approved.
- The Major Change to the PUD for Opa! was tabled to the October 3rd meeting, as the applicant was not present at the September 19th meeting.

Mr. Schwarz also noted that a resolution supporting the Village's Illinois Transportation Enhancement Program (ITEP) Grant was recommended for approval at the September 14th Committee-of-the-Whole meeting and was approved at the September 19th Village Board meeting. The Village intends to apply for an ITEP Grant for the Sauk Trail Bike Path to complete a one-mile gap in its existing trail network.

G. Other Business

There was no other business.

H. Attendance Confirmation (September 8th, 2022)

Chair Rigoni asked the Commissioners to notify staff if they will not be in attendance on October 13th, and to notify staff once they knew they could not attend. Commissioner Jakubowski indicated she would not be present.

Motion (#14): Adjournment 8:57 P.M.

Motion by: Schaeffer

Seconded by: Knieriem

Unanimously approved by voice vote.

Approved October 13th, 2022

As Presented _____ As Amended _____

Maura A. Rigoni /s/ Maura Rigoni, Chair

Drew Duff /s/ Secretary