



MINUTES

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

September 28, 2023 –VILLAGE ADMINISTRATION BUILDING

432 W. NEBRASKA STREET

- Call to Order:** Chair Schaeffer called the meeting to order at 6:30 PM
- Commissioners Present:** Nichole Schaeffer (Chair), Will Markunas, Dan Knieriem, Brian James, Jessica Jakubowski, David Hogan, Johnny Morris
- Commissioners Absent:** None
- Staff Present:** Planning & Economic Development Director Mike Schwarz, Senior Planner Christopher Gruba, Planner Amanda Martinez
- Elected Officials Present:** None

A. Approval of the Minutes from September 14th, 2023

Chair Schaeffer asked for questions or comments regarding the minutes. Senior Planner Chris Gruba noted that the minutes lacked a detail regarding the public hearing for 108 Walnut. He said that the motion recommending approval of the side yard setback should have included a condition of approval that any mechanical equipment, including but not limited to an A/C unit or a generator, shall be located in the rear yard only and not within the side yard, as was recommended by the Building Department. The Commission generally agreed with this amendment.

Motion (#1): To approve the minutes from September 14th, 2023, as amended.

Motion by: Markunas

Seconded by: Morris

Approved: (7-0)

B. Public Hearing: 83 and 87 Bankview Drive – 4Ever Yoga and Pilates

Amanda Martinez presented the staff report.

The applicant, Ryan Simmons, signed in at the podium.

Commissioner Hogan asked if the proposal will be very similar to the former Yoga-360. The applicant responded yes. Commissioner Markunas asked if the proposed yoga studio would have any affiliation with Yoga-360. The applicant responded no.

Commissioner Schaeffer asked if there were any members of the public that wished to speak. There were none.

Motion (#2): Close the public hearing.

The motion was unanimously approved by voice vote (7-0).

Chair Schaeffer asked the Commission for comments regarding the proposed use. Commissioner Knieriem said that he's curious when a specific business closes in a particular location and another business entrepreneur wants to open the same business, thinking that it will succeed. Commissioner Knieriem asked the applicant how his proposed business would differentiate itself from the former business. The applicant noted that the former owner had decided to leave the state, not that the business model failed. The applicant also said that he intends to offer a program to train people to obtain a pilates teaching certificate.

The applicant said that new flooring would be installed.

Commissioner Knieriem asked if there would be a coffee bar. The applicant responded no.

Chair Schaeffer asked if there were any parking issues at the site. Commissioner Markunas noted that parking has not been an issue for this commercial building in the past.

Chair Schaeffer said she felt that the proposed business met the 7 standards for review of a Special Use Permit.

Motion (#3): Recommend the Village Board approve a Special Use Permit for Indoor Recreation (yoga and pilates studio) in the B-2 Community Business District for the property located at 83 and 87 Bankview Drive, in accordance with the submitted plans, public testimony and findings of fact, subject to two conditions:

1. The applicant shall obtain a business license.
2. The business shall implement a minimum 15-minute break between classes to accommodate parking space turnover.

Motion by: James

Seconded by: Knieriem

Approved: (7-0)

C. Public Hearing: 700 Iron Gate Court – Paluri Residence Sports Court

Amanda Martinez presented the staff report.

The applicant, Kishore Paluri, signed in at the podium. He said that the proposed pickleball court would not be a full regulation-size court. If he designed the court to be any smaller, you wouldn't be able to play pickleball on it.

Planner Amanda Martinez said that the court was made slightly smaller since the workshop, removing 1' on the south side of the court to allow for fencing which also decreased the impervious surface slightly, although this was not a requested variation.

Commissioner James asked if the court was intended to be painted blue, similar to the renderings provided by the applicant. Mr. Paluri said that he could paint it green or blue or have the court be unpainted concrete; he did not have a preference.

Commissioner Markunas asked the applicant if he's been able to discuss the proposed pickleball court with the future neighbors to the north. Mr. Paluri said yes and that if it is wanted, he could provide a letter of approval from the future neighbor. He said he also received a letter of approval from the HOA. Amanda Martinez noted that she reached out to the new owners of Lots 2 & 3 regarding the proposed sports court and did not receive a response back.

Commissioner James said that if Lots 2 and 3 immediately to the north are being combined, it should in theory provide more of a physical distance and separation between a new house and the proposed sports court.

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

Motion (#4): Close the public hearing.

Motion by: Jakubowski

Seconded by: Markunas

Approved by voice vote: (7-0)

Chair Schaeffer noted that the Village staff and the PC/ZBA spent a lot of time drafting the recently adopted regulations regarding residential sports courts and that the current request seemed excessive.

Commissioner Hogan said that the applicant did receive approval from the adjacent neighbors. He also noted that there is another resident in this subdivision that has an even larger sports court. He said that the proposed sports court looks better than how it was described and that the fencing and landscaping looks good.

Commissioner James said that the text amendment for sports courts was before his time on the Commission. He said that there are a number of sports courts in Frankfort that range in size and that some of these courts did not receive approval from the Village. According to his calculations, the average sports court size in Frankfort is 1,123 square feet, which is slightly below the 1,181 square feet requested. He is generally in favor of the proposed sports court. He thinks that painting it green might be more aesthetically pleasing but invited discussion on this.

Commissioner Morris said that his initial concern was noise, which seems to be the biggest complaint nationwide. He said that since the applicant received approval from the HOA, that he is comfortable with the request.

Commissioner Markunas said that he liked the proposed landscaping and fencing and that the grade change from Colorado Road to the top of the sport court's foundation would make it less noticeable. However, he said that he has the same concerns as during the workshop and that there will be a lot of noise. He noted that the Frankfort Square Park District has stopped pickleball from being played at certain times because of the noise. He also noted that the neighbors to the north have not built their house yet and that it is difficult to approve the project without them present.

Mr. Kishore noted that he would not be playing pickleball every day and that it would not be a public court.

Commissioner Jakubowski said that she was less concerned about noise, as traffic on Colorado Avenue may be louder. She said that there will never be any neighbors to the west because it is a stormwater detention area, so that is helpful. She asked if the court would be illuminated at night or only used during the day. Mr. Paluri replied that the court would only be used during the day. Commissioner Jakubowski said that she would like to see a letter of approval from the neighbors to the north.

Commissioner Knieriem said that he has the same concerns as the workshop and that 650 square feet was set because it was a reasonable size for a typical backyard. He noted that the proposed court is almost twice the size of 650 square feet. He said that the backyard is relatively small. He said that in the past, the sports courts that have been over 650 square feet have been denied. He said that there are existing tennis courts one block away and asked if those could be used for pickleball.

Mr. Kishore said that having a pickleball court in the backyard is similar to having a pool in the backyard.

Chair Schaeffer said that she was not present at the workshop meeting, but echoed the concerns of Commissioner Knieriem. She is concerned that the house is set back further from Iron Gate Court and that the proposed sports court would set the impervious lot

coverage at 40%, which is the maximum allowed. She said that there have been past instances of approving larger sports courts in the past, but that those were under different circumstances. She is also concerned about the noise. She did like the proposed landscaping around the court. If the sports court were installed, there would be no space left in the backyard in which to recreate.

Motion (#5): Recommend the Village Board approve a Special Use Permit to construct a 1,182 square foot sports court for the property located at 700 Iron Gate Court, in accordance with the reviewed plans, public testimony and Findings of Fact.

Motion by: James

Seconded by: Jakubowski

Approved: (4-3, Knieriem, Markunas and Schaeffer voted no)

D. Workshop: Village of Frankfort Zoning Ordinance Text Amendment – Accessory Structures

Christopher Gruba presented the staff report.

There was some discussion about the sliding scale being beneficial for larger properties and a consensus on keeping the sliding scale.

Commissioner Hogan asked if the 2% sliding scale would erase the 250 square foot maximum size requirement.

Christopher Gruba responded no and that the 2% and the 250 square foot maximum size requirements would go together.

Commissioner Knieriem stated that there would be a problem with how small the backyard is since some of the downtown lots are around 6,000 square feet. If an applicant tries to put a 250 square foot accessory structure in that 6,000 SF lot next to the garage, there would be no backyard.

Chair Schaeffer responded that the applicant would be allowed 250 square feet subject to other applicable restrictions such as setbacks and impervious lot coverage.

There was some discussion about eliminating the 250 square foot maximum size requirement.

Commissioner Knieriem stated that if we do 1.7% as the sliding scale percentage, that will get the structure closer to the 250-foot maximum size limitation. He also stated that he is in favor of limiting the number of structures to either 2 or 3 which would allow Commissioners the ability to provide input on how many and how close people can put accessory structures near each other.

There was a consensus to not limit the number of structures, which strikes “1” from Page 104.

There was some discussion that staff should include the word “only” in b#1 on Page 105.

Commissioner James shared concern about how many new variation cases the amendment would bring and asked staff to provide more data from projects that previously requested a variance to increase the size of their accessory structure regarding average lot size, average accessory structure size being requested, and average lot coverage.

Commissioner Hogan added that the data requested by Commissioner James would be very helpful and that staff can look at the past year or two years for that information.

E. Public Comments

There were no public comments.

F. Village Board & Committee Updates

There were no Village Board & Committee updates.

G. Other Business

There was no other business discussed.

H. Attendance Confirmation (October 12th, 2023)

Chair Schaeffer asked Commissioners to please let staff know if someone cannot attend the next meeting.

Motion (#5): Adjournment 7:55 P.M.

Motion by: Markunas

Seconded by: Jakubowski

The motion was unanimously approved by voice vote (7-0).

Approved October 12th, 2023

As Presented As Amended

 /s/ Nicole Schaeffer, Chair

 /s/ Secretary