



MINUTES

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

September 8, 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
- Commissioners Absent:** David Hogan, Jessica Jakubowski
- Staff Present:** Director of Community and Economic Development Mike Schwarz, Planner Drew Duffin
- Elected Officials Present:** None

A. Approval of the Minutes from August 25, 2022

Motion (#1): Approval of the minutes, as presented, from August 25, 2022

Motion by: Knieriem 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: 25 Carpenter Street – Kerley Residence (Ref #104)

Drew Duffin presented the staff report.

Chair Rigoni invited the applicant to the podium.

The applicant had nothing to add to the staff report.

Chair Rigoni asked if any of the commissioners had any initial questions for staff or the applicant.

Commissioner Knieriem asked the applicant if there was any plan for expansion to the north.

John Kerley responded no.

April Jackson, owner of 21 Carpenter Street approached the podium. She stated that she never received a Certified Letter. She heard about it from her neighbor. She received an email from Chris Gruba with information about the project. She stated that the plans look great but there is a runoff problem in this area. She stated that there is no storm sewer down Carpenter Street.

Chair Rigoni stated that the PC/ZBA does not review engineering and that the engineering would be reviewed as part of the building permit review.

Ms. Jackson stated that 35 Carpenter has basement flooding. She added that there are a lot of water problems in the area. She added that the area where the Village removed homes had a higher elevation than the homes which remain in that area.

Leah Riley of 30 W. Bowen stated that there is one manhole near her driveway. Once that sewer was put in it helped somewhat. She stated that the applicant is proposing a lovely home and it will increase the values of the homes in the neighborhood.

Chair Rigoni asked if there were any other audience members wishing to speak. There was no response.

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

Motion by: Schaeffer

Seconded by: James

Approved: (5-0)

Commissioner Knieriem asked if there would be a fence.

John Kerley responded yes, some type of picket fence.

Commissioner Knieriem asked if there was an addition going back to the east.

The applicant responded there would be.

Commissioner Schaeffer stated that this is a typical non-conforming lot, and the proposed front addition would line up with the neighboring properties.

Commissioner James thanked staff for the additional information and said that the presentation slides showing the approximate dimensions of the neighboring building setbacks were very helpful.

Commissioner Markunas stated that the commission reviewed this a lot during the workshop and thanked staff for the additional information.

Chair Rigoni asked staff to make sure that the drainage concern is conveyed to the Building Department.

Mike Schwarz responded that this would be done both in the minutes and verbally.

Commissioner Markunas asked the applicant if there would be any other lot improvements.

John Kerley responded no.

Motion (#3): Recommend that the Village Board approve the request for a variation from Article 6, Section B, Part 1 to reduce the required front yard setback from 30 feet to 10.2 feet in the R-2 Single-Family Residential District located at 25 Carpenter Street in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Schaeffer

Seconded by: Markunas

Approved: (5-0)

Motion (#4): Recommend that the Village Board approve the request for a variation from Article 6, Section B, Part 1 to reduce the required side yard setback from a total of 25 feet with no less than 10 feet on each side to a total of 19.4 feet with no less than 9.1 feet on each side in the R-2 Single-Family Residential District located at 25 Carpenter Street in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Schaeffer

Seconded by: James

Approved: (5-0)

Motion (#5): Recommend that the Village Board approve the request for a variation from Article 6, Section B, Part 1 to increase the maximum allowable lot coverage from 20% to 29% in the R-2 Single-Family Residential District located at 25 Carpenter Street in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Markunas

Seconded by: James

Approved: (5-0)

Motion (#6): Recommend that the Village Board approve the request for a variation from Article 6, Section B, Part 2(g)(2) of the Village of Frankfort Zoning Ordinance to permit the use of non-masonry siding on the first floor of an existing home in conjunction with a first-floor addition the R-2 Single-Family Residential District located at 25 Carpenter Street in accordance with the submitted plans, public testimony, and Findings of Fact.

Motion by: Schaeffer

Seconded by: James

Approved: (5-0)

Motion (#7): Recommend that the Village Board approve the Plat of Resubdivision, subject to any necessary technical revisions prior to recording.

Motion by: Markunas

Seconded by: Schaeffer

Approved: (5-0)

Chair Rigoni stated that this matter would likely be scheduled for the September 19th Village Board meeting, but the applicant and any interested residents should confirm this with staff or check the Village website for the agenda posting.

C. Public Hearing: 20871 S. La Grange Road – Facen4Ward (Ref #105)

Drew Duffin presented the staff report and clarified the correct motion.

Chair Rigoni invited the applicants to the podium.

The applicant, Kristen Facen, approached the podium and stated she had nothing to add to the staff report.

Chair Rigoni asked if any of the commissioners had any initial questions for staff or the applicant.

Chair Rigoni asked the applicant what the applicant expected average attendance would be for each event.

The applicant responded 50 people.

Chair Rigoni asked about the hours, since the staff report suggested that the venue would be closed on Thursdays.

The applicant responded the business would be open from Monday through Thursday from 10:00 a.m. to 9:00 p.m. and from Friday through Sunday from 10:00 a.m. to 10:00 p.m.

Commissioner Knieriem asked the applicant if there would be an attendant at all times.

The applicant responded yes there would be.

Commissioner Knieriem who are the adjacent neighbors.

Drew Duffin responded that Vibe Nutrition to the east was the only adjacent neighbor at the moment, since the other tenant space to the west is currently vacant.

Commissioner James asked staff if they knew the hours for the adjacent businesses.

Drew Duffin responded that he did not know offhand.

Chair Rigoni asked if there were any other questions or comments from the commission. There was no response.

Chair Rigoni asked if there were any audience members wishing to speak. There was no response.

Motion (#8): Motion to close the public hearing.

Motion by: James

Seconded by: Schaeffer

Approved: (5-0)

Commissioner Markunas asked about the bathroom.

The applicant responded that last time there was only one bathroom but this time there will be two.

Commissioner James asked the applicant to describe the games.

The applicant responded they would have video game consoles such as PlayStation, Xbox, etc.

Commissioner Schaeffer thanked the applicant for the information.

Commissioner Knieriem echoed that comment.

Chair Rigoni mentioned that there was recently another small event venue which came to the Plan Commission in the Downtown area. She asked the commissioners to consider any appropriate or necessary conditions.

Commissioner Markunas stated it was important that they remain consistent.

Commissioner Knieriem stated that soundproofing should be installed up to the ceiling of the building to minimize the amount of noise which might spill over into the neighboring businesses. He also stated that there should be no live entertainment.

Chair stated that the applicants were not seeking a liquor license so there was probably no need for any condition on alcohol.

There was some discussion about a condition regarding the hours of operation.

Commissioner Markunas stated that he did not have an issue with the business hours of operation, since they fall within the Village's allowed hours of operation.

There was some discussion about whether there should be a condition based on what was stated in the business plan narrative. Such a condition would mirror the language in the agreement submitted by the applicant.

There was some discussion about whether the contract in the packet should be a condition. The commissioners agreed that such a condition would be too binding should the applicant ever change their client contract.

Motion (#9): Recommend that the Village Board approve a special use for indoor entertainment (event space) at 20871 S. La Grange Road, in accordance with the reviewed plans, public testimony, and Findings of Fact, with the following conditions:

1. Soundproofing on the east and west walls shall be installed to the ceiling of the building.
2. Loud music must end by 8:00 p.m. from Sunday through Thursday and by 10:00 p.m. on Friday and Saturday.

Motion by: Markunas

Seconded by: Schaeffer

Approved: (5-0)

D. Public Hearing: 10235 W. Lincoln Highway – Opa! (Ref #106)

Mike Schwarz presented the staff report.

Chair Rigoni invited the applicant to the podium to provide a summary of the request.

The architect, Steve Francis of Linden Group Architects, gave a summary. He explained that they submitted revised elevations per the comments they received at the workshop. He also clarified that anytime masonry is added on to an existing structure, the technical term is “veneer,” hence the label on the submitted plans. The new brick, shingles, and other architectural details would match with the existing building. The applicant also proposed installing openable windows to allow open air in good weather. The previously proposed deck was changed to a patio to match design of existing patio which was to be enclosed. The light fixtures on the existing patio would be repurposed for the new patio. The applicant had already changed their hours of operation to address parking concerns on-site. Parking congestion was worst during lunch hours, so the idea was that opening in the afternoon would improve parking conditions for the other nearby businesses.

Chair Rigoni asked if any of the commissioners had any initial questions for staff or the applicant.

Commissioner Markunas asked if the applicant would use full size brick for the enclosure.

The architect responded that they would.

Commissioner Schaeffer asked staff if parking requirements could be calculated based on the restaurant's available seating rather than using square footage.

Staff responded that the parking regulations were set by the Zoning Ordinance, and that the calculation for a restaurant is based on square footage and the number of employees. In recent cases, the Plan Commission was made aware of the option to either recommend approval of parking variations or grant parking adjustments based on the available shared or joint parking on-site.

Commissioner Knieriem asked staff if there was a shared parking agreement for the Brookside Commons PUD, which Opa! is a part of.

Staff responded that they are not aware of any formal or legal documents for shared parking, but the individual property owners may have documentation given that they all share and maintain the parking lot. Staff also stated that the applicant may know otherwise or be able to provide such documentation. The parking lot is already shared by the various property owners. The Zoning Ordinance provides that where multiple businesses share parking, the Plan Commission may grant parking adjustments if sufficient evidence is presented to them.

Commissioner Knieriem asked whether the shared parking was an informal agreement.

Staff responded that they believe that it is unless documentation can be provided to demonstrate otherwise.

Commissioner Schaeffer asked whether the informal shared parking agreement was only for the spaces within the Brookside Commons PUD or for the three parking lots for the Brookside Commons PUD, the Brookside Commons West PUD, and the Brookside Office Condos PUD.

Staff responded that based on their research, as far as they can tell, there is no formal agreement for shared parking among the three separately approved PUDs (Brookside Commons, Brookside Commons West, Brookside Office Condos). Staff believes that the different property owners within the Brookside Commons PUD, via their owners'/tenants' association, understand that they collectively share their parking lot. However, staff was unaware of any formal agreement between the three PUDs.

Chair Rigoni asked if there were any comments from the public.

Chime Airere, a local tenant, approached the stand. He expressed his thanks to Opa! for changing its hours of operation. He asked whether the change in hours was temporary or permanent. When the applicant spoke about changing his hours, it sounded like a voluntary decision which could be reversed in the future.

Chair Rigoni responded that there was a condition in the recommended motion which would be bound to the property. That would prevent the applicant from changing his hours back without approval. Any future business would be bound to that condition as well unless the Plan Commission approved it.

Chime thanked the Plan Commission for the clarification and commented that he thought the change in hours was positive.

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

Motion by: Schaeffer Seconded by: James

Approved: (5-0)

Chair Rigoni asked the commissioners if they had any comments.

Commissioner Markunas noted that the Plan Commission's main concern at the workshop was parking. He thanked the applicant for changing his hours of operation. Since most of the other businesses in the PUD are medical offices, tend to close around 4:00, and are not open over the weekend, it seems that the parking demands for the different uses would face less overlap.

Commissioner James agreed with Commissioner Markunas' comments regarding the changes in hours. He stated that he assumed the tables on the proposed patio area would only be seasonal. One of the concerns he had was with where snow would be stored in the winter. He believed that some parking spaces would be used for snow storage, which would result in a worse parking situation in the winter. If the patio seating was seasonal, his concerns over winter parking availability were addressed.

The architect noted that most snow was stored in or near the detention pond in front of the building, so very few, if any, parking spaces would be filled with snow.

The applicant, George Karuntzos, echoed the architect's comment and stated that snow is removed quickly so they should not lose any of those spots.

Commissioner Schaeffer stated that she liked that the proposed brick would match the existing brick. She had no issue with parking and seasonal seating.

Commissioner Knieriem asked if when the restaurant opened at 3:00 p.m., whether the applicant expected restaurant patrons right at opening or if the dinner rush would not begin until later in the evening.

The applicant responded that staff arrived at 2:30 p.m., but that the restaurant didn't get busy until around 5:00 p.m., or sometimes earlier in the colder months. He noted that he lost a lot of business in recent weeks changing the opening hours to 3:00 p.m. It would not be viable to open later than 3:00 p.m.

Commissioner Knieriem asked if the applicant had experienced any financial loss from opening later.

The applicant stated that changing his hours was a gamble, but it may balance out in the long run. Having the additional patio seating may help make up the difference.

Commissioner Knieriem asked if the applicant's restaurant was full on the weekends for dinner and what are the current wait times?

The applicant responded that they were full lately, with an average 40-minute wait time on the weekends. It was about a 2 hour wait on the weekends over the past winter. The proposed outdoor seating would help meet demand during the weekends during the non-winter months.

Commissioner Knieriem noted that many downspouts on the restaurant were disconnected, which could cause water damage.

The applicant said he had never seen an issue and that he was unaware of the disconnections.

Commissioner Knieriem stated he was there a few days prior, and he believed water was able flow openly over the property because of the disconnections. There may be some long-term damage the applicant couldn't see.

The applicant noted that the previous owner took bad care, and that he had done a lot of work to clean it up. Returning to hours of operation, the applicant asked if he would be able to open the restaurant earlier for special occasions or events.

Chair Rigoni stated that based on the way the suggested motion was written in the staff report, the condition for hours of operation was for every day of the week. She believed that the condition should be a discussion point since there was room for flexibility on the weekends. She noted that she was puzzled by the design of the PUD, and that it seemed like the properties in question were not initially intended to be used as a restaurant. She appreciated the later opening time but wished that the outdoor seating and the major PUD change could be voted on as separate motions. The Plan Commission had discussions with other applicants in the past who were adamantly told to make no additions to their spaces which would make parking worse. She felt like the proposed outdoor patio seating was pushing the line. She understood where the applicant was coming from, but the Plan Commission needed to be consistent in its recommendations. The enclosure was a different mater, since the seating area already existed, but the inclusion of the additional outdoor seating on the patio was something that she struggled with. She asked the commissioners if they felt they could regulate the later opening hours to only include a limitation on weekdays and allow the applicant flexibility on the weekend.

Commissioner Knieriem noted that the applicant was not asking for it, but that he was willing to make that change.

There was some discussion on the wording of the condition.

Commissioner Knieriem asked whether there was any need to limit the hours on the weekend, or whether they should not mention the weekend in their condition at all.

Chair Rigoni responded that they would give that flexibility to the owner by not mentioning the weekend. She asked if there were any other comments.

There were none.

Chair Rigoni asked staff to verify that the proposed brick was full-sized, and not just a veneer in the sense of a thin layer on top of the main structure.

The project architect confirmed the brick veneer would be full-sized. They asked if the Plan Commission was comfortable with veneer note on plans, knowing that the architect said they intended to use full bricks.

Chair Rigoni stated she was comfortable with that. She asked the other commissioners their opinions.

There was general agreement among the other Commissioners

Chair Rigoni asked if there were any other comments.

There were none.

Motion (#11): Recommend to the Village Board to approve the Major PUD Change to Brookside Commons, in accordance with the reviewed plans and public testimony, conditioned on final engineering approval and that the restaurant shall not open before 3:00 p.m., Monday through Friday.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (4-1, Chair Rigoni voted no)

Chair Rigoni stated that she only voted no because of the proposed patio and additional seating. If the patio was a separate motion from the enclosure, she would have voted in favor of the applicant.

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 September 6:

- Little Caesars Special Use Permit for a carry-out restaurant at 20245 S. La Grange Road – the ordinance was approved.

G. Other Business

Chair Rigoni asked why people at the Brookside Commons PUD parked in areas that were not designated as parking spots. She stated that the situation was getting out of hand.

Mike Schwarz noted that he had been in contact with the property owner to the east of Opa! and would bring his application to the Plan Commission as a workshop in the near future. The property owner has been made aware of the problem of people parking on his property illegally and was told to stop it. Staff would remind him of the issue.

H. Attendance Confirmation (September 8th, 2022)

Chair Rigoni asked the Commissioners to notify staff if they will not be in attendance on September 22nd, and to notify staff once they knew they could not attend.

Motion (#12): Adjournment 8:10 P.M.

Motion by: Schaeffer Seconded by: Knieriem

Unanimously approved by voice vote.

Approved September 22nd, 2022

As Presented _____ As Amended X

Maura a. Rigoni /s/ Maura Rigoni, Chair

Drew D. Blin /s/ Secretary