



MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
July 22, 2021 – VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET

Call to Order: Christopher Gruba called the meeting to order at 6:30 P.M.

Commissioners Present: Will Markunas, Dan Knieriem, Lisa Hogan, Nichole Schaeffer, and David Hogan

Commissioners Absent: Chair Maura Rigoni and Ken Guevara

Staff Present: Senior Planner Christopher Gruba, Senior Planner Janine Farrell, and Director of Community and Economic Development Michael Schwarz

Elected Officials Present: Trustee Adam Borrelli

Motion (#1): Elect Lisa Hogan as Chair pro-tem.

Motion by: Knieriem Seconded by: Markunas

Approved: (5 to 0)

A. Approval of the Minutes from June 24, 2021

Motion (#2): Approval of the minutes from June 24, 2021.

Motion by: Markunas Seconded by: Knieriem

Approved: (5 to 0)

Chair Lisa Hogan swore in all those wishing to provide public testimony and introduced the meeting process for the public.

B. Public Hearing: 10650 Yankee Ridge Drive

Chair Lisa Hogan introduced the variation request. The applicants, Michael and Rima Murphy, are requesting one variation to permit a detached pool cabana. The cabana would measure 288 square feet, whereas 144 square feet is permitted.

Farrell presented the project and noted that the proposal was heard as a workshop at

the June 24th PC/ZBA meeting. At that meeting, the applicant stated that the hardship was partially based on comfortably accommodating seating arrangements for her family inside the cabana. A 144 sq. ft. cabana could not fit tables, chairs, and a couch. The Commission requested a plan showing the furniture layout, which was displayed to the Commissioners. Farrell also noted that since the workshop meeting, the applicant had received HOA approval contingent upon obtaining the required zoning variance. Farrell read the following passage from the letter: For projects requiring zoning variance, the approval herein is conditioned and contingent upon obtaining the required zoning variance from the Village of Frankfort to be in compliance with applicable laws. For this approval to be effective, a copy of the approved variance shall be provided to the ARC and the governing board of YRHOA for their records. The approval letter was dated July 13, 2021 and signed by Mary Lizen, the Architectural Review Committee (ARC) Chair of the Yankee Ridge Homeowners Association (YRHOA).

Farrell noted that none of the information had changed since the workshop meeting on June 24th but reiterated that the applicant would like to construct an 18' x 16' detached pool cabana. The pool cabana would comply with other Zoning Ordinance requirements, including setbacks, height, lot coverage, impervious coverage and rear yard coverage. She also noted that the cabana roof shingles would match the existing residence and have cedar posts with masonry footings. Farrell reviewed the first three Standards of Variations as listed in the Zoning Ordinance. Since referencing the Standards of Variations is a relatively new procedure, the applicant's responses to those criteria were not included with the report.

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; The property could yield a reasonable rate of return with a 12 ft. x 12 ft. pool cabana. A larger size cabana, however, would likely result in a greater return since it would accommodate seating more comfortably.
 2. That the plight of the owner is due to unique circumstances; While there is not a unique circumstance related to the land itself, the applicant has a large family which requires additional seating to accommodate the individuals. A 12 ft. x 12 ft. cabana cannot accommodate a table with six chairs and a lounge area.
 3. That the variation, if granted, will not alter the essential character of the locality.
- Farrell also presented an aerial image of the surrounding lots within the subdivision, noting that there were two other accessory structures that appeared to exceed 144 square feet in area.

Farrell concluded by reading a letter into the record sent by residents Jeff and Sharon Nepote, stating opposition to the proposed variance request.

Dear Janine:

Thank you for taking the time today to explain the process of tonight's hearing for the proposed Cabana located at the residence that is kiddycorner to my lot. You noted that the commissioners do consider public input, especially those of residents closest to said property, but such comment cannot be anonymous. We all live in the wonderful Yankee Ridge subdivision, and we certainly want to be the friendliest of neighbors to all and certainly welcome our newest residents. I had the opportunity to speak with Remi a few weeks ago when I kept missing the UPS delivery that she indicated was required. By phone she conveyed that the Cabana was going to be 288 square feet, and

that as such was above the 144 square foot allowance. At the time I conveyed that that's pretty large versus what the village allows. Having now seen the plans, I must admit that the plans are beautiful. Additionally, I no doubt believe that the landscaping, inclusive of trees, bushes and flowers will add to the overall attractiveness. That said, I do have concerns about the overall square footage footprint of the Cabana at 288 feet. I would suggest that the Village's 144 square foot guidance for a cabana on a ½ or 5/8th acre lot is a little small, but a 288 square foot Cabana on that size lot raises some concerns, particularly as such would set a precedent within our subdivision. On a 1 ½ acre or larger lot, I don't think 288 square feet is unreasonable. I am hopeful that our new neighbors consider a slightly smaller footprint of their proposed beautiful cabana. As presently conveyed, we would be opposed to the 288 square foot cabana. We are hopeful the commissioners consider our input.

During the Plan Commission Discussion:

- Commissioner David Hogan asked staff whether the two nearby structures actually exceeded the 144 square feet maximum size. Farrell stated that staff was unable to find any evidence that the two structures were granted variances in the past for their size, but also noted that treating pool cabanas as accessory structures has been a relatively recent practice by the Village.
- Chair Lisa Hogan asked how long the Village had been considering pool cabanas as accessory structures. Gruba estimated that the practice probably dated back at least 3 years. From the audience, Trustee Borrelli noted that the practice probably extended longer before that, possibly to 2016 or 2017.
- Commissioner David Hogan asked whether the two larger accessory structures in the subdivision had received HOA approval. Farrell stated that a representative of the HOA was present at the meeting.
- Mary Salisbury-Lizen spoke on behalf of the Yankee Ridge HOA and stated that the HOA had tried to prevent the accessory structure from being constructed at 10516 Yankee Ridge, but that the Village approved the building permit.
- Chair Lisa Hogan noted that there has been discussion within the Village about possibly amending the Zoning Ordinance to permit accessory structures larger than 144 square feet where appropriate and that the size of the lot itself could play a factor in a future text amendment.
- Mary Salisbury-Lizen expressed her concern that, as an adjacent neighbor to the subject property, the proximity of the pool cabana would be too close to her residence. She was particularly concerned that the pool cabana fireplace and chimney smoke would negatively affect the enjoyment of being outdoors. She also stated that she was told there was a maximum lot coverage for residential properties. Farrell stated that the maximum lot coverage for buildings is 20%, whereas the applicant was proposing 11.8% and the maximum impervious lot coverage is 40%, whereas the applicant was proposing 24.4%.
- Resident Jeff Nepote spoke before the Commission and stated that the Village

may approve of a variance request and the HOA may deny the same request. He stated that the proposed pool cabana is twice the size as what is permitted by the Zoning Ordinance and was opposed to the request. He did note that the permitted 144 square feet seemed a little small for an accessory structure and suggested that an increase of 20-25% may be reasonable. Mr. Nepote stated that other neighbors within the subdivision were also concerned about the proposed pool cabana and that he agreed to speak on their behalf as well to protect their identity. He noted that the residents are watching the proposed variance request because it will set a precedent and that other homeowners may apply for an accessory structure variance if this one is granted. He noted that the HOA restrictions should be able to overrule the Village's Zoning Ordinance.

- Mike Schwarz stated that the HOA may have more restrictive regulations than the Village's Zoning Ordinance, but not less restrictive.
- Mr. Nepote stated that he believed there was a willingness among residents to allow accessory structures greater than 144 square feet, especially for larger-sized lots.
- Commissioner Knieriem stated that the Commission usually reviews proposals that have already received pre-approval from the HOA, not vice versa.
- Commissioner Schaefer stated that documentation of HOA approval was not provided at the workshop meeting held on the variance request.
- Commissioner Knieriem stated that, regarding setting a precedence, the Plan Commission examines each case uniquely.
- Commissioner David Hogan asked Ms. Salisbury-Lizen if the HOA had granted approval of the pool cabana request. She responded that the HOA had consulted their legal counsel and that ultimately, the HOA has the final decision, but that applicant does have the right to apply for a variance from the Village simultaneously.
- The applicant, Rick Pedigo, spoke before the Commission on behalf of the property owners who were out of town. He recalled a conversation with previous Board member, Todd Morgan, regarding the 144 square foot limit and that the regulations were intended to force variance requests. Mr. Pedigo also noted that the cabana chimney was designed like any other chimney and would disperse smoke similarly.
- Farrell re-read correspondence from the Yankee Ridge HOA, summarizing that the approval is contingent upon receiving variation approval.
- Mr. Pedigo noted that the brick bases for the posts did consume some of the usable floor area of the cabana.
- Commissioner Knieriem asked the applicant whether he would like to table the request or have the Commission make a recommendation to the Village Board.

If the request were tabled, it would allow for dialogue and discussion between the applicant and the neighbors to work toward a compromise.

- Commissioner Markunas asked staff whether a recommendation to deny the request would activate a waiting period before the applicant could reapply. Gruba and Farrell stated that there was no waiting period to reapply if the variance were recommended denial.
- Mr. Pedigo requested that the public hearing be tabled until the next Plan Commission meeting on August 12, 2021.
- Commissioner Knieriem stated that the size of the proposed cabana was not unreasonable and that a slight decrease in size could provide a plan that works for everyone. He also stated a preference to maintain the masonry bases on the cedar support posts.

Motion (#3): Table the public hearing to August 12, 2021.

Motion by: Knieriem

Seconded by: Markunas

Approved: (5 to 0)

C. Public Hearing: 49 N. White Street

Farrell stated that the applicant was out of town and that 250' noticing letters had not been mailed out prior to the meeting. She had discussed this with the applicant, who agreed to tabling the case to the next Plan Commission meeting on August 12, 2021.

Motion (#4): Table the public hearing to August 12, 2021.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

D. Workshop: Rezoning of Parcels in Accordance with the Comprehensive Plan

Schwarz introduced the workshop. He explained that the Village Board is considering initiating the rezoning of several properties within the Village based upon the *Your Future Your Frankfort 2040 Comprehensive Plan* adopted in late 2019. Schwarz stated that the Village Board, Plan Commission, or any person having interest in the property could initiate a rezoning. Schwarz displayed the Future Land Use Map on the screen and stated that staff identified key parcels which could be rezoned in accordance with the plan. The locations of the parcels were provided in the Commission's packet and the packet went out before the Village Board meeting on Monday, July 19th. At that meeting, the Village Board struck three of the properties from the list. Schwarz then went through each property.

1. The 9.7-acre parcel south of the Hickory Creek Middle School at the intersection of

- Laraway and 116th is currently zoned E-R but the Future Land Use Map shows it as general commercial.
2. Borg Warner at 300 S. Maple, a 26-acre property is zoned and used for Industrial. The property is for sale as I-1. The Future Land Use Map shows single family attached residential or R-4 zoning.
 3. Was struck
 4. Was struck
 5. Was struck
 6. The triangular parcel at 8808 W. Sauk Trail is owned by DSW Management Inc. The parcel is 2.31 acres, currently zoned AG, and there's a house on it. There is a landscape company called Ridge Landscape Services operating on the site. The Future Land Use Map calls for General Commercial and this would be rezoned to B-2. In 2015 this property was rezoned from B-2 to AG and also received a variance and special use for outdoor storage.

Schwarz stated he has contacted each of the property owners but no official notices have been sent. Staff first needs feedback from the Plan Commission and to see if there is any desire for the Village to undertake the initiative. Schwarz spoke with two of the three property owners. The owner of Laraway parcel, Mike Flaherty, does have concerns and objects to rezoning to B-2 classification on the basis of the marketability for commercial development. Mr. Flaherty believes that in this market, townhomes would be better suited for the property. For 300 S. Maple, Schwarz contacted the owner via email but has not received a response. For the triangular parcel, the owner also expressed concerns. The owner felt very strongly that there would be property tax implications, but Schwarz stated that may not be true. Schwarz spoke with the Frankfort Township Assessor and Will County Supervisor of Assessments about this. They stated that simply changing the zoning would not have an impact on taxes because the assessment is based on the use and the tax code, not zoning classification.

Mike Flaherty requested to speak before the Commission on this subject. Mr. Flaherty approached the podium and stated that he purchased the land from the school district. He received a call this afternoon about the proposed rezoning. He had conversations with Village staff about constructing townhomes on this property in the past and that the Village had shown interest in the concept. Mr. Flaherty also believed that the townhome concept may have been discussed at a meeting but was unsure. Gruba stated that there was a Traffic Advisory Committee meeting held regarding access to the site. Mr. Flaherty thought there was another meeting, perhaps Village Board or Committee of the Whole to discuss it in addition to the Traffic Advisory Committee. Mr. Flaherty felt that he had a green light to move forward with the townhome concept. Mr. Flaherty stated that there is no multi-family in the area and he believes that the townhomes would be a good fit. Mr. Flaherty asked if the property was rezoned without his consent, if he was able to come back and ask for residential zoning. He stated that this might make his request to rezone to R-4 more difficult since the Plan Commission and the Board already believed the property should be commercial and rezoned it as such. Mr. Flaherty stated that he felt like he was being swept up in something bigger.

Chair Lisa Hogan asked Mr. Flaherty when he spoke to staff about townhomes. Mr. Flaherty responded February.

Commissioner David Hogan asked if any more roadway dedication was needed along

Laraway. Mr. Flaherty responded no, that the County Division of Transportation already took what they needed for the proposed Laraway expansion. Mr. Flaherty stated that he is attempting to time construction with the road widening.

Mr. Flaherty asked if the Village wanted a strip shopping center in this location. He stated that due to changes in the market, a strip center won't happen in this location in his lifetime and strip centers have fallen out of favor.

Commissioner Knieriem asked what the property was currently zoned. Schwarz responded E-R or estate residential, that the information in the packet incorrectly stated AG or agricultural due to a slightly different shade of green on the Zoning Map. Commissioner Knieriem asked what the difference was between E-R and R-4. Schwarz explained that the difference is residential density. Estate residential is for large residential parcels, whereas R-4 is multi-unit homes. Commissioner Knieriem asked if the parcel would need to be rezoned regardless for the townhomes. Schwarz stated yes, that the E-R zoning district did not permit townhomes. When the parcel was annexed, it came into the Village as E-R in accordance with the Zoning Ordinance and State Statute.

Commissioner Markunas asked what the reasoning is for the Village-initiated rezoning of these three properties. Schwarz stated that the Board is trying to be proactive and bring a selection of parcels into compliance with the Comprehensive Plan. Schwarz said that this was not a complete look at all properties, but staff did offer a few specific sites to the Village Board for consideration.

Commissioner Markunas asked what would happen if there was opposition to the properties being rezoned. Schwarz responded that he will forward the Commission's recommendations to the Committee of the Whole for their next meeting. Commissioner Markunas stated that in his opinion, the government changing the zoning without a benefit to the Village and against the property owner's consent is not a positive move.

Chair Lisa Hogan asked about the impact this would have on the sale of the Borg Warner site which is currently being marketed for manufacturing but now will be residential. Schwarz stated that legal counsel has provided an opinion on this. The Zoning Ordinance allows for non-conformities, so if the site was rezoned, it would remain a non-conforming use. Borg Warner or any new buyer could not expand the building or use if it was rezoned residential, but they could continue to operate.

Commissioner David Hogan commented that at the intersection of Laraway and Wolf, there are commercially-zoned properties that are still vacant.

Commissioner Schaeffer asked what was the rationale for rezoning the Laraway parcel and if it is strictly going by the Future Land Use Map. Mr. Flaherty commented that he is almost ready to come in with a R-4 rezoning request for the property.

Chair Lisa Hogan stated that she was very involved in the Comprehensive Plan creation. The plan was a vision, but there is opportunity to look at it a little differently today. The Comprehensive Plan is a guide and which aims to get the major pieces correct but it is not perfect.

Schwarz stated that he is going to summarize the feedback and give to the Village Board at their next meeting.

Chair Lisa Hogan agreed with Commissioner David Hogan. She stated that there are other large undeveloped parcels which should be developed using the appropriate zoning which might not be commercial.

Commissioner David Hogan stated that having commercial next to the school may not be good planning.

Schwarz asked the Commissioners if there was any desire to initiate a zoning change. Chair Lisa Hogan responded that she struggles with forcing a change. Commissioner Knieriem responded that he cannot think of many reasons why the parcel should be zoned as commercial. Commissioner Knieriem wouldn't want people coming in and out of a parking lot near a school with kids or having kids hanging out at the strip mall. Commissioner Schaeffer responded that in looking at the Future Land Use Map, she agrees with Mr. Flaherty that there is a lot of single-family residential and no attached homes in the area. Attached homes would be better suited next to the school. Chair Lisa Hogan stated that recently a strip mall east of this property was approved and hasn't started construction. Gruba confirmed that this is the Homestead project which has been approved for a year and that construction hasn't begun but could happen very soon.

Commissioner Markunas stated that he is looking at this more generally and asked why this is being initiated now, what is the motivation, and is there a benefit.

Chair Lisa Hogan stated that Mr. Flaherty was available to come tonight to plead his case and wondered how the other property owners feel or would say. Commissioner Schaeffer asked if it would make sense to invite each property owner to another workshop. Schwarz responded that this came about quickly and is supposed to be a discussion. If this did move forward, there would be letters sent out to the property owners notifying them of the public hearing. Schwarz stated that he is going to summarize the Commission's meeting minutes for the Village Board.

Commissioner Hogan stated that these are three drastically different properties.

Chair Lisa Hogan asked if the Board is in favor of moving forward with this undertaking. Trustee Borrelli approached the podium and provided background on the Village Board's direction to staff to evaluate all parcels in the Village which could be rezoned to ensure that future uses align with the Comprehensive Plan. Commissioner Knieriem stated that regarding the property at the northwest corner of Laraway and 116th, the Village should be proactive, but he thinks that there are better properties and better places to be rezoned to contribute more beneficially to the public. Chair Lisa Hogan stated that she was unaware of this undertaking until she received her meeting packet. She asked where people can find out about these discussions. Schwarz responded that the Comprehensive Plan was adopted at the end of 2019 and there were meetings held as part of that adoption process.

Commissioner David Hogan stated that implementation of the Comprehensive Plan and economic development should happen in tandem. Frankfort residents should be

aware that there's an economic development plan as well.

Trustee Borrelli stated that the Comprehensive Plan includes a section on economic development and the Future Land Use Map provides guidance as to where those uses should be located. The Village is using the Comprehensive Plan as an economic development guide.

E. Public Comments

There were no public comments.

F. Village Board & Committee Updates

Schwarz presented the memo which listed all the zoning and development matters which went before the Village Board since the last update in April. Multiple Commissioners expressed consternation that the Village Board overturned their decision for the 11 W. Sauk Trail driveway variation case. Commissioner Knieriem requested that only those items which the Village Board did not concur with the Commission's recommendation should be discussed so that the Commissioners can understand why there was a differing vote. Chair Lisa Hogan asked Trustee Borrelli about the Village Board's decision on the 11 W. Sauk Trail case. Trustee Borrelli expressed concern about the width of the road, which had been recently restriped. It appeared that there would not be enough space to accommodate two-way traffic and street parking on the north side of the street.

G. Other Business

Schwarz reminded the Commission that there would be Plan Commission training held on August 11th.

H. Attendance Confirmation (August 12, 2021)

The Chair asked that any Commissioners not able to attend the next meeting inform staff.

Motion (#5): Adjournment (8:11 PM)

Motion by: Schaeffer

Seconded by: Knieriem

Unanimously approved by voice vote.

Approved August 12, 2021

As Presented _____

As Amended X

Maura A. Rigoni /s/Maura Rigoni, Chair

Christopher Smith /s/ Secretary