



MINUTES
MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
August 26, 2021 – VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET

Call to Order: Chair Rigoni called the meeting to order at 6:30 P.M.

Commissioners Present: Chair Maura Rigoni, Nichole Schaeffer, Ken Guevara, Dan Knieriem and David Hogan

Commissioners Absent: Lisa Hogan, Will Markunas

Staff Present: Senior Planner Christopher Gruba, Senior Planner Janine Farrell, and Director of Community and Economic Development Michael Schwarz, Village Administrator Rob Piscia, Village attorneys George Mahoney and Hannah Lamore

Elected Officials Present: Trustee Adam Borrelli

A. Approval of the Minutes from July 22, 2021 (*tabled from August 12, 2021*)

Motion (#1): Approval of the minutes from July 22, 2021, as amended.

Motion by: David Hogan Seconded by: Schaeffer

Approved: (3 to 2) Guevara and Rigoni abstained

B. Approval of the Minutes from Special Joint Session August 11, 2021

Motion (#2): Approval of the minutes from Special Joint Session August 11, 2021.

Motion by: Schaeffer Seconded by: David Hogan

Approved: (3 to 2) Guevara and Knieriem abstained

C. Approval of the Minutes from August 12, 2021

Motion (#3): Approval of the minutes from August 12, 2021.

Motion by: Guevara

Seconded by: Schaeffer

Approved: (4 to 1) Knieriem abstained

D. Public Hearing: 10315 Vans Dr., Units B, C, D, E (*Tabled from August 12, 2021*)

Chair Rigoni introduced the request for an indoor recreation and entertainment use to operate a cheerleading training facility called Cheer City.

Senior Planner, Janine Farrell reviewed the request:

- The request had been tabled at the August 12th meeting due to the applicant adding Unit B to their special use permit request, which required revising the legal notice in the newspaper.
- Four units (B, C, D & E) would be combined for a total area of 9600 sq. ft. There is one other unit, A, in the building, currently vacant.
- The use cheerleading training focuses on ages 5 to 12 and operates after school hours from 4:30p-9:00p and weekends 10a-noon.
- There would be a maximum of 20 students plus two instructors at any one time.
- Class times are staggered to allow for pick-up/drop-off.
- An open floor plan is proposed with mats for Units C-E with a bathroom and reception proposed for Unit B.
- The minimum Zoning Ordinance parking requirement of seven (7) spaces is met.
- The seven (7) special use findings of fact were discussed individually as detailed in the staff report.
- Photographs of the interior were shown to the Commission.
- Staff is recommending a condition of approval that tournaments shall not be held on site due to the limited parking.
- The drive aisle width is 30'.
- For pick up and drop off of patrons, motorists would enter the site from the northeast curb cut on Vans Drive and exit at the northwest curb cut on Vans Drive, in a one-way traffic flow around the building.
- The units were previously approved for batting cages and later laser tag.
- No alterations are proposed to the site exterior and only minimal changes to the building interior.

During the Plan Commission Discussion:

The applicant, Crescence Vidro, was present before the Commission.

Commissioner Schaeffer asked if any signage were proposed for traffic flow. Ms. Vidro stated that there would not be any signage, but that they intend to have staff direct traffic flow in the beginning and notify parents via email with the pick-up/drop-off information.

Commissioner David Hogan stated that he supported staff's recommendation that no

tournaments be held on site. He did inquire about the parking available on the site. The applicant responded that most customers would be picked up and dropped off and that the parents don't usually park on-site and watch the training.

Chair Rigoni mentioned that if any parking spaces were being used for anything other than cars, such as storage containers, that this would be a code enforcement issue. She questioned the staggering of times for pick up and drop off of students. The applicant stated that they would be staggered by ½ hour. For example, there would be one training group from 4:30 pm – 6: 30 pm and another from 5 pm – 7 pm. The time staggering would prevent dropping off and picking up all students at once. She also noted that at the previous location, they were staggered by 15 minutes, but they are now proposing ½ hour at the proposed location in Frankfort. Chair Rigoni questioned whether the drop off and pick up would block parking spaces. The applicant stated that usually parents do not stay to watch their children practice, also, due to the situation with Covid, that they are not allowing parents in the lobby.

Commissioner David Hogan noted that there is a grassy area in front of the building and questioned whether anything was planned for this location like parking. Farrell stated that the grassy area is actually a detention pond and will remain as such.

There was no public present for comment.

Motion (#4): Recommend the Village Board approve a special use for indoor recreation and entertainment to permit a cheerleader training facility, Cheer City LLC, at 10315 Vans Dr., Units B, C, D, and E in accordance with the reviewed plans, public testimony, Findings of Fact, and with the following one (1) condition: (1) Tournaments or similar type events shall be prohibited.

Motion by: Knieriem

Seconded by: Guevara

Approved: (5 to 0)

E. Public Hearing: Village of Frankfort Zoning Ordinance Text Amendments (*Tabled from August 12, 2021*)

Chair Rigoni introduced the case and asked for clarification on the request to table. Gruba responded that he received an email dated August 20, 2021 from Mari Smith and Scott Johnson requesting the item be tabled indefinitely even though this was a Village initiated amendment. Rigoni asked the Commissioners if they would entertain a motion to table indefinitely the public hearing for the beer garden text amendments. Commissioner Schaeffer asked for clarification on what "indefinitely" meant. Chair Rigoni clarified that when or if action is to be taken on the case, the notice must be re-published in the paper.

Motion (#5): Table indefinitely.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

F. Public Hearing Request: 20815 S. LaGrange Rd. – Special Use Permit (Animal Clinic)

Chair Rigoni introduced the case. The applicant is requesting a special use for an animal clinic located at 20815 S. LaGrange Rd. Gruba presented the case. The property is located next to Jimmy O's in the Butera Center shopping plaza, known as Frankfort Town Center. The pet clinic would only be for dogs and cats with no overnight boarding. The former Masks and More Outlet previously occupied this space. The clinic would share a wall with Jimmy O's, but there's a vacant suite between the proposed pet clinic and Butera. The unit is 2,400 square feet, but the applicant may wish to expand to the vacant suite next door in the future. The walls will be soundproofed on both sides as shown on the floorplan. Surgeries (western medicine) and acupuncture (eastern medicine) would be performed. The business hours vary greatly, but the longest span would be on Tuesdays from 9 am – 7 pm. The business is closed on weekends. The Zoning Ordinance requires seven parking spaces and there is ample parking in this plaza. The plaza is generally busier during evenings and weekends, which is not when the pet clinic is normally operating. Heavy parking is concentrated towards Chef Klaus and open near the clinic. There is no outdoor dog run and any defecation would be handled indoors and cleaned up. Staff and the applicant have both responded to the seven findings of fact for a special use. The proposed business name is Balanced Body Veterinary Clinic. The most recent special use for this plaza was Chef Klaus' outdoor patio.

Chair Rigoni asked if the applicant was present and wished to speak. Angela Riffice approached the podium. Dr. Riffice explained that her practice will be about 60% eastern and 40% western medicine. The clinic will perform basic surgeries with no overnight stays, vaccinations, and diagnostics. Ms. Riffice plans on hiring more veterinarians in the future but currently it is herself with a small staff only.

Chair Rigoni asked the Commissioners if there were any initial questions of the Commissioners.

Commissioner Knieriem asked if the applicant's business was currently in operation. Ms. Riffice stated she is currently working as a veterinarian in Orland Park and must follow her noncompete clause which is six miles. The Frankfort location is beyond that.

Commissioner Knieriem asked the applicant to clarify the kennels. Ms. Riffice stated that the animals are monitored after surgery and stay in kennels. Surgeries are by appointment and there is no boarding of animals.

Commissioner Knieriem asked if there was any outdoor storage. Ms. Riffice stated no.

Chair Rigoni asked staff if overnight boarding was allowed. Gruba responded no, it was not permitted.

Chair Rigoni asked the applicant if patrons of the clinic are encouraged to take their dogs out to the parking lot to defecate. Ms. Riffice stated that patrons come right into the building with their pets and no dogs will be taken outside by staff.

Commissioner Knieriem asked about the grassy area in front of the building and who takes care of it. Commissioner Knieriem asked if the special use can be conditioned to require someone to take care of that area. Gruba responded that a condition could be added that it must be maintained. Ms. Riffice stated that her current clinic is in an office park and there is no issue with maintaining the green space. Daily cleaning is completed by a staff person and samples are collected inside the clinic.

Chair Rigoni asked if there was anyone from the public wishing to comment. There was none.

Commissioner Schaeffer asked for clarification about the conditions that no animals can be boarded overnight and that all operations will occur inside of the building. Gruba explained that the applicant stated all business activity will be indoors, but this condition could be added if the Commission wishes. Chair Rigoni confirmed with Gruba that there were two conditions that no animals are to be boarded overnight and all operations contained fully inside. Schwarz stated that the motion should include a reference to adopting the findings of fact.

Commissioner David Hogan asked the applicant if she had plans to operate a boarding facility in the future. Ms. Riffice stated no, that a boarding facility is too much responsibility and risk and she would like to have weekends off. Chair Rigoni asked if adding that as a condition was amenable. Ms. Riffice agreed.

There was a brief discussion amongst everyone about the maintenance of the green space and if a condition was necessary or if the public testimony and statement on the application were sufficient. The Commissioners and Chair Rigoni agreed that they were comfortable with the public testimony and statement on the application and that an additional condition was not necessary.

Motion (#6): Recommend the Village Board approve a special use for an Animal Clinic proposed at 20815 S. La Grange Road in accordance with the reviewed plans, public testimony, and findings of fact, and conditioned upon that there be no overnight boarding of animals and that all operations of the business shall be conducted indoors.

Motion by: Guevara

Seconded by: Schaeffer

Approved: (5 to 0)

G. Public Hearing Request: Village of Frankfort Zoning Ordinance Text Amendments

Chair Rigoni introduced the Village-initiated Zoning Ordinance text amendment to regulate vacation rentals. Senior Planner Janine Farrell provided a summary of the proposal:

- The Village Board provided direction to the Village attorney to draft the vacation rental ordinance after receiving concerns from residents.
- Staff has only made minor edits to the attorney's draft language.
- The Business Regulations section within the Code of Ordinances is also

proposed to be modified to codify the licensing aspect of vacation rentals.

- The proposed language for vacation rentals is similar to the existing requirements regarding a “Bed & Breakfast Inn”.
- Vacation rentals would only be permitted in the H-1 zone district and only upon issuance of a special use permit.
- Articles 5, 7 and 12 within the Zoning Ordinance would be amended to address the following:
 - Maximum number of guests
 - Minimum square feet of guestrooms
 - Separation distance of 250’ proposed between vacation rentals
 - Any construction would require a Certificate of Appropriateness from the HPC
 - Smoke and carbon monoxide detectors would be required
 - A license would be required to operate the vacation rental
 - Parking would be required at the same rate as a “Bed & Breakfast Inn”
 - Definitions of vacation rental would be added
 - Vacation rentals would be limited renting them to 14 consecutive days

Commissioner David Hogan noted that the topic of vacation rentals originated from an issue in the Prestwick subdivision. He questioned whether that subdivision’s HOA would prohibit vacation rentals and, if so, whether the proposed text amendment would supersede their regulations. Farrell responded that the proposed text amendment would only apply to the H-1 zone district, which does not contain any active HOA’s.

Commissioner Knieriem stated that with the text amendment, vacation rentals would not be permitted in the Prestwick subdivision because it is not zoned H-1. He questioned whether the idea to permit vacation rentals in the H-1 zone district was to attract people to downtown. Farrell noted that the Village attorney thought it would be best to locate them in the downtown area.

Commissioner Schaeffer asked why vacation rentals were being limited to the H-1 zone district. She questioned whether parking for vacation rentals was limited to the driveway or whether renters could park in the street. Farrell deferred to the attorneys for their input. Commissioner Knieriem stated that many homes have driveways that can accommodate many cars.

Commissioner Guevara asked how Code Enforcement would be able to monitor parking. Farrell stated that any request for a vacation rental requires a special use permit, which requires review and approval by the Plan Commission and Village Board and that licensing would also be required, allowing the Village to track rentals.

Commissioner Schaeffer questioned whether the text amendment would apply to Airbnb’s. Farrell responded in the affirmative.

Chair Rigoni questioned the provision regarding the maximum of 10 guests permitted. She asked whether it was intended for 10 guests at any one time or 10 guests overnight. She wanted to ensure that the ordinance would avoid “party houses”. She also noted that there is a maximum consecutive rental of 14 days and believed that there should also be a minimum number of rental days, instead of renting for just one night.

Farrell responded that the proposed text amendment refers to overnight lodging. She noted that the 14-day maximum consecutive rental was to avoid vacation rentals from turning into subletting dwellings.

Chair Rigoni opened the public hearing portion of the meeting.

Deborah Hardwick, a resident, approached the podium. She said she was insulted that she was not notified in writing of the proposed zoning ordinance text amendment. Chair Rigoni responded that text amendments do not require that a letter be sent to all residents in the Village. Ms. Hardwick expressed concern that as a downtown resident in the H-1 zone district, she could have a vacation rental next door to her. She said she wanted to see a map of the H-1 zone district to see exactly where vacation rentals could potentially be placed. She asked for the Plan Commission to table the item.

Sarah Thomas, a resident, approached the podium. She whether anyone has considered vetting the lessees of vacation rental properties to perform a credit check. Chair Rigoni responded that this would fall under the business license regulations. Chair Rigoni noted that vacation rentals would include changes to the Zoning Ordinance as well as the Code of Ordinances and that her question was more pertinent to the latter.

Commissioner Knieriem noted that any request for a vacation rental, as proposed, would require a special use permit and that any application would require a letter in the mail to all property owners within 250’.

Commissioner Schaeffer asked how the public would be made aware that they would need this special use permit. Farrell responded that property owners may call the Village first before renting out their dwelling, at which point staff could inform them of the regulations. Farrell also stated that if a property owner decided to operate a vacation rental without a special use permit, a complaint may be made to the Village’s Code Enforcement and remedial action would be taken.

Commissioner Hogan stated that most HOA’s do not allow vacation rentals anyway.

Commissioner Schaeffer stated that the proposed text amendment would help protect properties in the H-1 zone district, in that there would be an extra level of scrutiny for a vacation rental instead of them being permitted by-right.

Schwarz stated that if the Plan Commission forwarded the text amendment to the Village Board, staff could use the Village website and newsletter to inform people of the new regulations. With Zoning Ordinance text amendments, there is nowhere to place a sign because it is not related to a specific property. He mentioned that the Village had met the state statute for proper notification of the text amendment.

Commissioner Knieriem questioned whether additional stipulations could be added to protect property owners adjacent to a vacation rental, such as regulating noise, the age of the renters or the maximum number of days per year that a dwelling could be rented. He suggested tabling the item and instead holding a Plan Commission workshop on the topic. Farrell responded that the item could be tabled and that staff could investigate

additional regulations. Commissioner Knieriem asked whether staff could look to other nearby communities for examples, such as Naperville. Farrell responded that this may be challenging because Frankfort is a non-home rule community, whereas most other communities are home-rule.

Commissioner David Hogan suggested tabling the item to allow for discussion at a future workshop. Commissioner Schaeffer agreed, wanting more time to evaluate the proposed changes to Article 5. Commissioner Guevara also agreed, wanting time to better understand the business licensing aspect.

Chair Rigoni asked for the number of homes that currently exist in the H-1 zone district.

Commissioner Guevara asked whether staff has noticed a demand for vacation rentals. Farrell responded that staff has not received any vacation rental requests and that the only issue had been the rental in Prestwick subdivision.

Chair Rigoni asked that staff also provide a copy of the H-1 zone district map for the next meeting.

Commissioner Knieriem asked what the need was for the vacation rental ordinance if there does not appear to be a high demand for them in the Village. Schwarz responded that the Village could be challenged in court if vacation rentals were prohibited outright.

Village Administrator, Rob Piscia, approached the podium. He stated that the vacation rental ordinance is intended to mirror the Bed & Breakfast Inn regulations and that completely restricting vacation rentals would be problematic. He also reiterated that any vacation rental would require a special use permit from the Plan Commission and Village Board; they would not be allowed automatically in the H-1 zone district. Commissioner Knieriem asked for clarification regarding the current regulations for vacation rentals. Piscia responded that currently, they are permitted throughout the Village and that there is nothing in the Zoning Ordinance that would prohibit them. He stated that the intent of the text amendment is to only allow them in the H-1 zone district with a special use permit. He stated that the intent is to protect the entire community, not just the H-1 zone district properties. He stated that if the ordinance is overly restrictive, it might be legally challenged.

Chair Rigoni asked the Commission for final feedback on a path forward.

Commissioner Knieriem asked that staff place a notice in the newspaper, stating that it the text amendment would specifically apply to the H-1 zone district. Farrell responded that the newspaper notice intentionally left out the mention of the H-1 zone district in case the Commission wished to add or change which zone districts would permit a vacation rental.

Deborah Hardwick stated that she supports the idea of bed and breakfasts downtown, because they are owner-occupied, but is opposed to properties being rented out for Airbnb's. Commissioner Knieriem responded that the proposed text amendment is designed to protect the Village, including Ms. Hardwick, as it would place "guardrails"

around a proposed vacation rental.

Motion (#7): Table to the September 9th, 2021 Plan Commission meeting.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

H. Public Hearing Request: 300 S. Maple St.

Chair Rigoni introduced the Village-initiated request to rezone the property located at 300 S. Maple Street, from I-1, Limited Industrial, to R-4, Attached Single Family Residential. Chair Rigoni noted that several people had arrived at the meeting later and asked them to be sworn-in if they wished to provide public testimony. Senior Planner Janine Farrell provided a summary of the proposal:

- State statute as well as the Zoning Ordinance (Article 3, Section D, Part 1) permits the Village to initiate a rezoning.
- The Village initiated this request to implement some aspects of the Your Future Your Frankfort 2040 Comprehensive Plan, adopted in late 2019. The plan is intended to guide development over the next 20 years.
- The Village is not purchasing the property.
- There is no redevelopment proposed for the property at this time.
- The five (5) Findings of Fact specific to rezoning property were evaluated as outlined in the staff report (Article 3, Section D, Part 1).

Farrell noted that a letter had been received from an attorney on behalf of BorgWarner a few hours before the Plan Commission meeting. This letter was distributed to the Plan Commissioners.

During the Plan Commission Discussion:

Chair Rigoni asked if there was any public comment. Rod Carter, attorney for Borg Warner, approached the podium. Summarized, he stated the following:

- BorgWarner did submit a letter of objection to Village staff prior to the meeting.
- An offer to purchase the property has stalled because of the proposed rezoning.
- If the property were rezoned, its value would decrease, and that BorgWarner would be seeking reimbursement of \$3,400,000 from the Village.
- The Comprehensive Plan does not state that the Village would initiate rezoning of property itself, rather the Village would work with property owners.
- The property is zoned I-1. Per the Zoning Ordinance, I-1 zoned properties are intended to be used for well-designed, attractive, innovative buildings housing nuisance-free industrial uses. All operations in this zone district shall be conducted indoors, although outdoor storage may be allowed upon issuance of a special use permit.
- The Plan Commission is proposing to rezone the property to single-family

residential, allowing not more than four dwelling units per building. The maximum density is six dwelling units per net buildable acre. As such, as many as 156 dwelling units may be constructed on the subject property and this would change the nature of the area and increase density.

- The rezoning violates the Village's code. The Village has not conducted due diligence in order to rezone the property. The Village has to prove, per Article 3, Section D, Part 1, that the rezoning promotes the public health, safety and welfare.
- The rezoning would increase traffic on the property.
- A traffic study should be conducted by Village staff.
- The rezoning will increase the burden on schools, public works facilities and police.
- There has not been any finding that the property is suitable for development under the R-4 zone district.
- Approximately 15% of the workforce at BorgWarner is composed of village residents.
- Rezoning the property would decrease the value of surrounding properties.
- R-4 zoning would increase noise, traffic and density. The greenspace that currently exists at BorgWarner would be gone.
- It is questionable whether there is any need for additional residential property in the Village. If BorgWarner wanted to rezone the property to R-4 on their own, they would be required by the Village to provide studies, which have not been performed by the Village.
- It is unknown whether the soils beneath BorgWarner are polluted and can be used for residential purposes.
- The subject property does not currently generate any traffic on weekends.
- The current industrial use is high-end. Any future use will have to conform to the I-1 zone, which ensures attracting another high-end user.
- There is no finding by staff that the current use is negative.

Tom Serafin, an employee at BorgWarner, approached the podium to speak. Summarized, he stated the following:

- He is opposed to the rezoning.
- He has worked at BorgWarner for 25 years and lives 15 minutes away. He's able to walk six blocks from work to meet his daughter for a picnic at Breidert Green.
- There has been an excellent and mutually beneficial relationship over the years with the Village and have allowed the use of the baseball field.
- He believes that the proposal fails to meet the standards required for rezoning, that it will increase traffic congestion, require the Village to expand resources to support development and reduce tax revenue. He also stated that local jobs would be lost.
- BorgWarner is being treated differently than other properties under the Comprehensive Plan. He stated that the Village should rezone all properties in the Village to conform to the Comprehensive Plan.

Mark Baker, a resident, approached the podium. Summarized, he stated the following:

- He lives downtown and owns stock in BorgWarner and has appreciated what they have done over the years.
- He questioned whether the subject property, if rezoned, could continue to be used for light industrial purposes. Farrell responded in the affirmative and that it would be subject to the provisions in the Zoning Ordinance regarding non-conforming uses.
- He asked whether the property could be expanded if rezoned. Farrell responded that a future industrial use could not be expanded if it were rezoned.
- He stated that BorgWarner's property value would not decrease because they would still be able to sell it to another industrial user.

Chair Rigoni stated that if the property were rezoned, BorgWarner could continue to occupy and use the property as usual. She questioned whether the property, if sold, could be used for industrial by another owner. Village attorney George Mahoney responded that a new company could have the same use or uses that BorgWarner currently has and that it could still be used as an industrial space.

Mark Baker, spoke again:

- It does not make sense to have a baseball field and park next to a place that has large truck traffic. The trucks also tend to get lost on Locust Street and end up on Maple Street. The trucks damage the roads and cause pollution.
- If BorgWarner came to the Village and requested a rezoning to R-4, that it would be a good thing.
- He expressed concern regarding ground pollution and hoped that BorgWarner would remediate the site if contaminated.
- The green space and park would be lost anyway if the property remained zoned as I-1, because a future user would almost certainly expand the use on the property.
- The BorgWarner jobs are already lost because BorgWarner is closing.
- Currently, BorgWarner pays \$94,000 in property taxes each year. If homes were constructed, it would equate to approximately \$450,000 in property taxes each year.
- Ninety (90) families in the downtown area would be a benefit.
- The next industrial user is unknown and it could be an Amazon warehouse. The new user could also store different materials inside which could catch fire and endanger the adjacent homes.

Amiee DeMarchi, a resident, approached the podium. Summarized, she stated the following:

- She lives on Maple Street and has been there for 16 years. She believes that BorgWarner has been a great benefit for the neighborhood and has provided recreation and greenspace.
- She is concerned that if homes were built on the site that it would generate construction traffic for the new homes.
- She would prefer another industrial user, as more houses in the area would detract from the historical nature of the downtown.
- She noted that current trucks do tend to get lost on the residential streets but that

they are redirected.

Chris Tokarz, a resident, approached the podium. Summarized, he stated the following:

- 100 additional homes on the BorgWarner site wouldn't be bad per se.
- Larger parcels of land, such as BorgWarner, are more marketable than smaller pieces of land.
- A future residential developer of the subject property would not "pack it to the gills".
- The trucks that travel to and from BorgWarner speed along the residential streets that abut the park areas, which is hazardous to children.
- BorgWarner is quiet on the weekends, but there will not be an increase in traffic if the site were redeveloped for residential.
- An industrial use is no longer appropriate for the area.

Kim Larson, a resident, approached the podium. Summarized, she stated the following:

- BorgWarner has been in the community for a long time and that she's offended as a taxpayer that the tax revenue they generate could be lost.
- A letter should have been mailed out to all residents near BorgWarner, even if it were not legally required for the Village to do so and is opposed to the rezoning.

Ron Rekruciak, a resident, approached the podium. Summarized, he stated the following:

- He has lived in Frankfort for 34 years, on Utah Street across from BorgWarner.
- BorgWarner has been a good neighbor, but that it's irrelevant because they are leaving.
- The initial plan for the BorgWarner site was for the Park District to purchase the property. He questioned why the site would be rezoned if the Park District could still purchase the property.
- If anything, the BorgWarner property should be rezoned to R-1, to permit single family residential.

Farrell responded to Mr. Rekruciak stating that the proposed R-4 zone district would permit attached single-family units such as townhomes but would not allow detached single-family houses.

Mr. Rekruciak, again:

- Frankfort has a tendency to fit as many dwelling units into an area as possible and that redevelopment of the BorgWarner site would result in too much growth for the area.
- Both BorgWarner trucks and local residents speed on the neighborhood streets.

Jeff Rade, a resident, approached the podium. Summarized, he stated the following:

- He lives very close to BorgWarner and routinely cleans up trash left on site by the employees.
- The stormwater runoff generated from BorgWarner damaged his driveway.

- The parking lot lights at BorgWarner are very bright.
- If the site remains zoned as I-1, the new user will construct the largest building possible on the lot.
- He questioned whether a potential future buyer of the BorgWarner site could decide to remove the greenspace currently on the site.

Farrell responded to Mr. Rade, stating that if the site remained zoned I-1, the greenspace could be removed with a future change to the site. If it were rezoned R-4, the greenspace would remain as long as the property were used as an industrial use.

Chair Rigoni questioned whether the BorgWarner property had a PUD. Farrell responded in the affirmative. Chair Rigoni stated that if the site remained zoned as I-1, either BorgWarner or a new user of the property would have to come before the Plan Commission to request a major change to the PUD in order to expand the building or make other significant changes to the site.

Kim Larson, a resident, approached the podium again. Summarized, she stated the following:

- She lives near the intersection of Maple Street and Oregon Street, Maple Street being one of the main routes to BorgWarner. She questioned why the Village was proposing a rezoning to R-4, when the surrounding area has been developed as single-family residential. She stated that Folkers Estates has cars parked everywhere.

Chair Rigoni noted that there were no more public comments.

Schwarz stated that proper notice was provided as required by law, including that notice was provided in the newspaper, signs were posted in the right-of-way adjacent to the property and that notices were sent out to residents within 250' of the site.

Chair Rigoni asked for input from the commissioners.

Commissioner David Hogan stated that the proposed R-4 zoning would not limit mixed single-family housing types. Farrell responded that R-4 would permit duplexes, attached dwellings such as townhouses, but that any building containing more than 4 dwelling units would require a special use permit. She noted that detached single-family homes are not permitted in R-4. Commissioner David Hogan asked whether thought was given to developing the site with a mix of housing types to include single-family homes, perhaps via a PUD. Farrell responded that the Founders Place development is zoned R-4 and was developed as a PUD.

Chair Rigoni asked for clarification about which types of industrial uses could occur on the site in the future if the property were rezoned to R-4. attorney Mahoney responded that a successor to BorgWarner could continue the same activities that are currently enjoyed by BorgWarner. Chair Rigoni asked whether a light manufacturing use would be permitted. Attorney Mahoney responded that he could not answer that question because he does not have specific details of the current operations of BorgWarner.

Chair Rigoni briefly referred to the letter, submitted by BorgWarner a few hours prior to the

meeting. Chair Rigoni asked if there were another way to protect the Village from some of the more intense future industrial uses. She noted that there is currently a PUD on the subject property. She also questioned how a rezoning to R-4 would protect the welfare of the residents, if any future use permitted in the I-1 zone could continue after a rezoning to R-4.

Commissioner Schaeffer asked what the current PUD on the property specifically regulates. Farrell responded that each PUD is unique, but that in this instance, if BorgWarner wished to expand their building, it would require a Major Change to the PUD and requiring review and approval by the Plan Commission and Village Board. Mike Schwarz read from the PUD Ordinance-1722, adopted in 1998, which made mention of permitting a 2,700 square-foot building. Commissioner Schaeffer asked whether the Village could amend the definition of I-1. Farrell responded that modifying the uses permitted in I-1 would require a zoning ordinance text amendment and that it would apply to all properties zoned I-1 in the Village.

Chair Rigoni asked whether rezoning the property to R-4 would assuage the concerns brought forth by the residents. She stated that if the industrial use could continue as a non-conforming use under the R-4 zoning, this would not satisfy many of the concerns stated by the residents. She asked if it were possible to work with BorgWarner individually to agree upon which uses could succeed it once BorgWarner ceases their operations. Commissioner David Hogan responded that BorgWarner does not know who they will sell the property to and what the new use might be.

Chair Rigoni noted that if BorgWarner, or a succeeding user wanted to expand the building or remove the greenspace on the property, that it would require a Major PUD change.

Commissioner Knieriem asked attorney Rod Carter if he could tell the Commission what the new use of the property would be. Attorney Carter responded that he was unable to directly answer because it may be confidential. He did note that he had a call with staff yesterday and that BorgWarner volunteered to put reasonable conditions on the property to maintain the current I-1 zoning, possibly through amending the PUD. He noted that the current building is 60 years old and is nearing the end of its life. As such, if a new user moved into the building, it would not have a long period of time to use the building before it needed major repair or even replacement. Commissioner Knieriem asked whether the new user has commented about the existing baseball field on the property. Attorney Carter responded that he was unaware of any proposed changes to the baseball field at this time.

Commissioner Schaeffer said she believed that a heavy industrial use such as chrome plating would not be permitted as a light industrial use.

Chair Rigoni asked when the industrial use would end on the property. She asked if the property were rezoned to R-4, if an industrial, non-conforming use could continue indefinitely. Attorney Mahoney responded in the affirmative, but that the Village could place an amortization on the property.

Village Administrator, Rob Piscia, approached the podium. He stated that the property has been identified as R-4 in the Comprehensive Plan and as residential in previous comprehensive plans. He said that it's not a question of BorgWarner not being a good neighbor, because they are leaving and it's irrelevant. A subsequent industrial user could

continue to do what is allowed currently, but that any future proposed business use would have to be researched by staff to determine whether it complied with the non-conforming use regulations. He noted that if a large warehouse wanted to occupy the space, that it could result in excessive traffic. He stated that a big concern is that the subject property is a large industrial parcel adjacent to residential uses.

Commissioner Schaeffer suggested tabling the item.

Commissioner Knieriem stated that BorgWarner is open to discussion with the new buyer to make sure that a subsequent use would ensure public safety. He stated that if such a discussion were able to occur within the next several business days, he would be agreeable to tabling the item.

Commissioner David Hogan believed that if the property were not changed to a different use in the future, that it would limit the Village's downtown future potential and noted that everyone should "not lose sight" of the Comprehensive Plan.

Chair Rigoni stated that rezoning the property to R-4 would not immediately alleviate the residents' concerns.

Commissioner Guevara stated that years were spent creating the Comprehensive Plan and that even though the rezoning initiative felt rushed, it would help to achieve the long-term goals as stated in the Plan.

Commissioner Knieriem asked if staff could investigate which future uses would be undesirable at this location. He also asked whether a compromise could be reached to address both the concerns of the residents and BorgWarner. Farrell responded that staff would investigate which uses would be permitted in the I-1 zone compared to uses permitted in the R-4 zone.

Commissioner Knieriem noted that the Comprehensive Plan calls for the property to be rezoned for residential purposes and this should be a major factor in the decision-making process. He stated that BorgWarner is a unique property in a unique location, but that an industrial use on this property should "not be there for the long haul".

Motion (#8): Table to the September 9th, 2021 Plan Commission meeting.

Motion by: Knieriem

Seconded by: Schaeffer

Approved: (5 to 0)

I. Public Comments – None.

J. Village Board & Committee Updates

Community and Economic Development Director, Mike Schwarz, noted that two Plan Commission items were approved at the August 16th Village Board meeting, for two separate pool cabanas at 11258 York Drive and 10650 Yankee Ridge.

K. Other Business – None.

L. Attendance Confirmation (September 9, 2021)

No commissioners stated that they would be absent.

Motion (#9): Adjournment 10:14 PM

Motion by: Guevara

Seconded by: Schaeffer

Unanimously approved by voice vote.

Approved September 9, 2021

As Presented X

As Amended _____

Maura A. Rigoni /s/Maura Rigoni, Chair

Christopher D. Sule /s/ Secretary