

VILLAGE OF FRANKFORT PLAN COMMISSION MINUTES
December 11, 2008

CALL TO ORDER AND ROLL CALL

Chair Goldie called the Village of Frankfort Plan Commission meeting to order on December 11, 2008, at 6:34 p.m. Members Schumpp, Matlock, Matevich, Beeson, Chemers and Goldie were in attendance for roll call. Member Schwarz was absent. Village Board member Stevens, Sr. Planner Zach Brown and Secretary Dawn Moser were present.

APPROVAL OF THE MINUTES (November 13, 2008)

Member Schwarz then made the motion (#1), seconded by member Matevich to approve the Plan Commission minutes for November 13, 2008 as presented. Ayes: Matevich, Schumpp, Schwarz, Matlock, Beeson, Chemers and Goldie. Nays: None Motion carried.

PUBLIC HEARING – SUKTA VARIANCE (Request to Table Indefinitely)

Sr. Planner Brown explained that the applicant requested a building materials variance for non-masonry siding on the gables of his home, but there was an illness in his family requiring him to postpone the project; therefore he requested the Commission to table the project indefinitely.

Motion (#2) was made by member and seconded by member to table the Sukta project indefinitely. . Ayes: Matlock, Schwarz, Schumpp, Beeson and Goldie. Nays: None. Motion carried.

WORKSHOP/PUBLIC HEARING – CLARKE VARIANCE

Public Hearing Request: Variances of accessory structure setback from 19' to 7' along the southern property line to permit the construction of an outdoor patio, accessory structure setback from 10' to 4.44' along the northern property line and 10' to 3' along the eastern property line to permit the construction of a shed, and a first-floor building materials variance to permit the use of vinyl siding on the existing home and proposed shed for the property located at 157 Evergreen Drive.

- Plat of Survey prepared by: David A. Ring & Associates, dated 03.21.05

Chair Goldie swore in all who wished to testify. Receipts of the registered letters were entered into the record.

Sr. Planner Zach Brown presented the staff report noting that the applicant, Pat Clarke who was absent, resides at 157 Evergreen Drive and requests several setback variances to replace, enlarge and relocate an existing shed which was destroyed by the home explosion on Sycamore. The relocation of the shed would require variances along the north, east and south property lines.

Although the applicant had requested a variance for vinyl siding at the time of application, the applicant withdrew the request and proposes to use Hardi-Board siding..

Mr. Brown noted a discrepancy between the required setback variance and the necessary setback variance to accommodate a 12' x 12' open outdoor patio on the southern side of the home, noting an 8.3' setback was all that was necessary.

Commissioners asked if the applicant agreed to the suggested condition of constructing the shed in accordance with all applicable fire safety codes. Mr. Brown noted that Mr. Clarke was aware of the increased fire safety requirements and was amenable to the suggested condition of approval.

Member Chemers made the motion (#2), and seconded by member Beeson to close the public hearing. Ayes: Matevich, Beeson, Matlock, Schumpp, Chemers and Goldie. Nays: None. Motion carried.

Commissioners noted the variance requests were similar to several others recently reviewed; however including an unenclosed patio and noting that the proposed improvements would not increase the degree of nonconformity of the shed. They noted many homes in the area maintained reduced setback and expressed confidence that the applicant would comply with all the applicable fire safety codes.

The following Standards of Variance were presented, and the accepted findings were entered into the record.

Accessory Structure Side Yard Setback

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;*

To meet the required setbacks would require the removal of existing mature vegetation, which is cost prohibitive to the homeowner.

2. *That the plight of the owner is due to a unique circumstances; and*

The current shed was damaged by a home explosion that occurred east of them, if this event did not occur, the current shed would not need to be replaced.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Many accessory structures in the area maintain reduced setbacks as they were constructed prior to the adoption of the current zoning ordinance.

Accessory Structure Rear Yard Setback

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;*

To meet the required setback would require the removal of existing vegetation, which is cost prohibitive to the homeowner.

2. *That the plight of the owner is due to unique circumstances;*

The current shed was damaged by a home explosion that occurred east of them, if this even did not occur, the current shed would not need to be replaced.

3. *That the variation, if granted, will not alter the essential character of the locality.*

Many accessory structures in the area maintain reduced setbacks as they were constructed prior to the adoption of the current zoning ordinance.

Accessory Structure Side Yard Setback (Patio)

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;*

To meet the required setback, the homeowner would have to reduce the size of the patio, therefore yielding a lower return than if the proposed was constructed.

2. *That the plight of the owner is due to a unique circumstance; and*

The home was constructed with a 20' setback on a lot with only a 90' lot width.

3. *That the variation, if granted, will not alter the essential character of the locality.*

The proposed concrete patio is open to the sky with no associated structure, which is permissible up to a 10' setback. The reduction of the setback to 8.37' (a total of 1.63') will not alter character of the locality.

A motion (#3) was made by member Chemers and seconded by member Matlock to approve a variance for a side yard setback (north property line for shed) from 10' to 4.44' for the property located at 157 Evergreen Dr., to permit construction of a 14' X 10' (140 sq. ft.). shed in the rear yard, in accordance with the reviewed plans and conditioned upon compliance with all applicable fire safety standards. Ayes: Matlock, Beeson, Chemers, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

Member Chemers made the motion (#4), seconded by member Matlock to approve a variance for a rear yard setback (east property line for a shed) from 10' to 3' for the property located at 157 Evergreen Dr., to permit construction of a 14' X 10' (140 sq. ft.). shed in the rear yard, in accordance with the reviewed plans and conditioned upon compliance with all applicable fire safety standards. Ayes: Matevich, Schumpp, Chemers, Beeson, Matlock and Goldie. Nays: None. Motion carried.

A motion (#5) was made by member Chemers and seconded by member Matlock to approve a variance for a side yard setback (south property line) from 10' to 8.37' for the property located at 157 Evergreen Dr., to permit construction of a 12' X 12' concrete patio in accordance with the reviewed plans. Ayes: Matlock, Beeson, Chemers, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

WORKSHOP/PUBLIC HEARING – COSTELLO VARIANCE

Public Hearing Request: A building materials variance to permit the use of Hardi-Board siding in the construction of a shed in the rear yard of the property located at 21434 S. 92nd Avenue.

- Plat of Survey prepared by Rogina & Associates, Ltd. Land Surveyors dated 09.05.08

Chair Goldie swore in all who wished to testify. Receipts of the registered letters were entered into the record.

Sr. Planner Brown presented the staff report noting that the applicant recently constructed a home in Dieter's Subdivision. A shed, which meets all area requirements and having an overhead door is requested in the southern corner of the rear yard as part of the improvements; however the applicant requests a variance of first-floor building materials to permit the use of Hardi-Board siding rather than full masonry.

Mr. Brown noted the requirement for accessory structures to match the design and tone of the principal structure, and noted the applicant had not submitted a color sample for the shed.

The applicant was present to answer questions. Commissioners asked him if there was a preferred color for the shed, to which Mr. Costello responded he would use a beige or taupe color to match the brick on the residence.

Member Chemers made the motion (#6), and seconded by member Matlock to close the public hearing. Ayes: Matevich, Beeson, Schumpp, Matlock, Chemers and Goldie. Nays: None. Motion carried.

The following Standards of Variance were presented, and the accepted findings were entered into the record.

Building Materials

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;*

Utilizing all brick for an accessory structure would be cost prohibitive to the homeowner.

2. *That the plight of the owner is due to a unique circumstances; and*

Properties in the vicinity are zoned by Village of Frankfort or Will County, who utilize different material standards.

3. *That the variation, if granted, will not alter the essential character of the locality.*

The shed is located in the rear yard of a lot that is located in an area that is in the process of converting from Will County to Village zoning standards. The non-masonry shed will not detract from the existing character of the area.

Member Chemers made the motion (#7), and seconded by member Matlock to approve a variance for first floor building materials to permit the use of Hardi-Board as a primary building material for the construction of a shed, conditioned upon a color to be compatible with the brick on the home, for the property located at 21434 S. 92nd Avenue in accordance with the reviewed plans. Ayes: Schumpp, Beeson, Matlock, Matevich, Chemers and Goldie. Nays: None. Motion carried.

WORKSHOP/PUBLIC HEARING –GOLICH VARIANCE

Public Hearing Request: Variance of accessory structure area from 144 sq. ft. to 192 sq. ft. to permit the construction of a shed in the rear yard of the property located at 23248 Jackson Branch.

- Final Grade Survey prepared by M. Gingerich, Gereaux & Associates received 12.03.08

Chair Goldie swore in all who wished to testify. Receipts of the registered letters were entered into the record.

Sr. Planner Brown presented the staff report noting the applicants live within the Five Oaks Subdivision and wish to construct a masonry shed to store equipment and a large lawn tractor in the rear of the property. The shed would be larger than the permitted 144 sq. ft. but meets all required setbacks.

The Five Oaks Architectural Review Committee had approved the project and a letter was included in the packet and entered into the record. Mr. Brown referred to the plans depicting the shed and noting only the south side was shown, but the applicant proposes to use brick for the entire structure.

The applicant was present and had no further comments. The chair asked for questions or comments from the audience; there were none.

Member Chemers made the motion (#8), and seconded by member Matlock to close the public hearing. Ayes: Schumpp, Matlock, Beeson, Chemers, Matevich and Goldie. Nays: None. Motion carried.

Members discussed the proposed variance noting that the improvements were reviewed and approved by the Five Oaks architectural review committee. They requested the masonry to match the color of the residence and the applicant was agreeable.

Mr. Brown added that although the shed area was large, the lots in the subdivision were large and the shed would be in proportion. Members requested no enlargement or extension of the driveway and the applicant agreed.

The following Standards of Variance were presented, and the accepted findings were entered into the record.

Accessory Structure Area

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 maximum allowable size for an accessory structure limits the applicant's ability to house the necessary equipment to maintain the lot.

2. *That the plight of the owner is due to unique circumstances;*

The established standards for accessory structure area were created for lots of 15,000 sq. ft. The Golich's lot measures 29,000 s. ft., nearly doubling the size of average lots. The requested 33% increase in allowable area for an accessory structure is .166% of the total lot area.

3. *That the variation, if granted, will not alter the essential character of the locality.*

The overall design of the shed, including area, corresponds with the existing home and was approved by the Five Oaks Architectural Review Committee.

Member made the motion (#9), and seconded by member to approve a variance from 144 sq. ft. to 192 sq. ft. to permit the construction of a shed in the rear yard, for the property located at 23248 Jackson Branch Drive in accordance with the reviewed plans. Ayes: Schumpp, Beeson, Matlock, Matevich, Chemers and Goldie. Nays: None. Motion carried.

PUBLIC HEARING –CAPPEL COMMONS

Public Hearing Request: A major PUD change to permit modifications to the approved site, landscape, architectural and signage plans; a special use for a daycare center and a special use for extended hours of operation to permit the daycare center to open at 6:00 a.m. for the 9.21-acre property located at the northeast corner of Rte. 30 and 78th Avenue, commonly referred to as Cappel Commons. Other request: Final Plat approval.

- Final Plat, prepared by Rogina & Associates, dated 06.07.08, VOF received 11.18.08
- Site Plan, sheet SP1, prepared by Arête 3 Ltd., dated 11.18.08, revised 12.02.08, VOF received 12.05.08
- Site Plan, sheet SP2, prepared by Arête 3 Ltd., dated 12.03.08, VOF received 12.05.08
- Exterior Elevations prepared by Arête 3 Ltd., dated 11.18.08, revised 12.02.08, VOF received 12.05.08
- Interior Floor Plan, prepared by Arête 3 Ltd., dated 11.18.08, revised 12.02.08, VOF received 12.05.08

- Fence Cut Sheet / Photographs, prepared by Peter Lofgren, undated, VOF received 12.05.08
- Approved Landscape Plan, prepared by Arete 3 Ltd., dated 03.02.06, revised 10.10.06
- Approved Site / Monument Sign Plan, prepared by Arete 3 Ltd., dated 08.03.05, revised 07.27.06 and 10.12.06
- Approved Office Elevations / Signage, prepared by Arete 3 Ltd., dated 06.30.06, revised 07.11.06

Chair Goldie swore in all who wished to testify. Receipts of the registered letters were entered into the record.

Sr. Planner Brown presented the staff report recalling the project located at the northeast corner of Rte. 30 and 78th Avenue, which had begun construction under permit from Will County and was approved by the Village Board on July 16th of 2007 for annexation, and rezoning.

Mr. Brown reviewed the revised plat for a special use for a daycare facility with extended hours of operation to open at 6:00 a.m. and noted other requests would require a major PUD change for the consolidation of two of the northernmost buildings to construct a Children of America Daycare Center with a 3,400 sq. ft. outdoor play area at the eastern end of the building.

Staff noted differences from the approved site plans, including the elimination of the northern projecting entrance, and the change from the original split HVAC system with ground mounted condensers, to roof-mounted HVAC units within cutouts along the northern facade and screened with a white PVC fence used as a parapet.

Chair Goldie requested comments from the applicant and audience. Peter Lofgren, from Parsons Commercial Contracting, John Ditter from Arete3, and attorney Dan Shapiro were present to answer questions.

Mr. Shapiro said the building architecture and materials would match the rest of the development. He discussed the relocation of the HVAC units from split installation to roof mounted units within cutouts on the roof, which are necessary to provide access to service the HVAC units. The applicant suggested reducing the size of the cutout to allow repair of the HVAC and increase shingle height for better screening. Members noted the building has not yet been constructed and the proposed roofline would be massive. They favored locating the HVAC units on the ground near the sidewalk to the west in the rear of the building. Commissioners asked the number of rear exits; two are proposed. Upon additional commiseration, Commissioners agreed to all the units to be placed on the roof inside roof pits so as to provide complete screening.

Chair Goldie questioned whether the privacy fencing for the outdoor play area would be partial or complete. The applicant noted the play yard will be fully enclosed by the privacy fence for the security of the children.

Commissioners expressed concern for the playground's white privacy fencing and suggested wrought-iron as at other daycare centers in Frankfort; however the applicant noted the daycare center is very concerned for the safety of the children and opaque 6' high fence is required as a security feature, as is the guard rail. The applicant was amenable to using a taupe or tan color in the fencing. Members requested additional plant materials including evergreens and over-story trees be planted to soften the appearance of the fence and guardrail.

Member Goldie expressed she was not supportive of an additional monument sign. The applicant agreed to match the lettering of the proposed new monument sign along 78th to the lettering material, color, method of illumination and setback of the existing monument signs

Before closing the public hearing, the Chair asked for questions or comments from the audience. Steve Sebby stepped forward to speak saying he represents SEKM, LLC, who owns property directly west of Cappel Commons. Mr. Sebby distributed photos and a letter, which was entered into the record, (attached to these minutes) regarding his concern for the west side of 78th Avenue roadway and the effect of increased traffic traveling to North Avenue. He requested the west side be reconstructed as part of the PUD change.

Mr. Sebby noted the Indian Trail school supports his position for roadway improvement of 78th Avenue as their school buses use the road. Additional cars entering from the west side to drop off children for daycare, would deteriorate the unimproved roadway and he asked for road improvements to be made at this time.

Mr. Brown noted there is no indication that the traffic pattern would increase significantly, noting the heaviest traffic flow is maintained on Frankfort Square Road to the east, and upon construction of the full U.S. 30 improvements, 78th Avenue will be limited access.

Member Schumpp made the motion (#11), seconded by member Matlock to close the public hearing. Ayes: Matevich, Matlock, Chemers, Schumpp, Beeson and Goldie. Nays: None. Motion carried.

The members discussed the inconsistencies between the approved plan and the revised plan. Members requested increased landscape screening of the privacy fence and modification of the roof plan to provide complete HVAC screening as by recessing the units into pits on the roof. Member Goldie noted visualization of the building and the discussed modifications was difficult without seeing revised drawings.

Members continued to discuss a reluctance to allow a monument sign identifying Children of America, but acknowledged that were the proposed sign built, there would be no other location for a monument sign to be constructed as there would be a sign at each entrance.

Staff asked if members wanted the applicants return to the Commission before voting; however members were comfortable with conditional approval.

A motion (#12) was made by member Schumpp and seconded by member Chemers to approve the Final Plat of Subdivision for the Cappel Commons development located at the northwest corner of Route 30 and Frankfort Square Road, in accordance with the reviewed plans and conditioned upon final engineering approval. Ayes: Matevich, Matlock, Chemers, Schumpp, Beeson and Goldie. Motion carried.

Member Schumpp made the motion (#13) and seconded by member Chemers to approve a major PUD change for the Cappel Commons development located at the northwest corner of Route 30 and Frankfort Square Road, in accordance with the reviewed plans and conditioned upon staff approval of the fence color, compliance with the approved landscape plan with additional landscaping on the north, south and east sides of the outdoor play area, staff approval of a revised HVAC plan as discussed, construction of the monument sign to match the approved office monument signs in materials, color, size and method of illumination, and construction of all wall signage in accordance with the approved Uniform Sign Plan. Ayes: Matlock, Chemers, Beeson, Matevich and Schumpp. Nays: Goldie Motion carried.

A motion (#14) was made by member Matevich and seconded by member Beeson to approve a special use for a daycare center within building F of the Cappel Commons development located at the northwest corner of Route 30 and Frankfort Square Road, in accordance with the reviewed plans and monument signage modified to match existing monument signs. Ayes: Matlock, Chemers, Schumpp, Matevich and Beeson. Nays: Goldie. Motion carried.

Motion (#15) was made by member Chemers and seconded by member Matevich to approve a special use for extended hours of operation to permit the Children of America Daycare Center to begin operation at 6:00 am for the property located at the northwest corner of Route 30 and Frankfort Square Road, in accordance with the reviewed plans. Ayes: Schumpp, Beeson, Chemers, Matevich, Matlock and Goldie. Nays: None. Motion carried.

OTHER BUSINESS

Mr. Brown stated the Plan Commission would meet in Heritage Hall one more time on January 8, 2009; and then be temporarily relocated to a meeting room in the Police Department. More complete information would be given to members as it becomes available.

ADJOURNMENT

Member Matevich made the motion (#15), seconded by member Schumpp to adjourn the December 11, 2008 meeting of the Plan Commission at 8: 30 p.m. Ayes: Unanimous voice vote. Nays: None. Motion carried.

APPROVED January 8, 2009

As Presented X

As Amended _____

_____/S/_____, Chair

_____/s/_____, Secretary