

VILLAGE OF FRANKFORT PLAN COMMISSION MINUTES  
September 11, 2008

CALL TO ORDER AND ROLL CALL

Chair Goldie called the Village of Frankfort Plan Commission meeting to order on September 11, 2008, at 6:32 p.m. Members Schumpp, Matevich, Chemers, Matlock, Beeson and Goldie were in attendance for roll call. Village Board liaison Heath was in attendance and Village Board member Stevens and Village Clerk Bob Kennedy were in the audience. Sr. Planner Zach Brown, and Secretary Dawn Moser were present.

APPROVAL OF THE MINUTES (August 28, 2008)

Member Matlock made the motion (#1), seconded by member Chemers to approve the Plan Commission minutes for August 28, 2008. Ayes: Chemers, Matevich, Matlock, Schumpp, Beeson and Goldie. Nays: None Motion carried.

PUBLIC HEARING – SILVER CROSS PUD (Open and table to 9.25.08)

Public Hearing Request: Special use permit for a planned unit development for the 161-acre property located north of U.S. Rte. 30 and east of Rte. 45. Concept approval is requested for the 161-acre property, with final PUD approval requested for the 8-acre Silver Cross Medical Center site located at the northwest corner of 93rd Avenue and U.S. Rte. 30. Rezone the 8-acre property located at the northwest corner of 93rd Avenue and U.S. Rte. 30 from ER to B2 with a special use permit for extended hours of operation to permit the operation of a 24-hour urgent care medical facility. Other Requests: Preliminary & Final Plat Approval.

Before proceeding, Sr. Planner Brown noted that the applicants were unable to attend the meeting and required the Commission to table the public hearing until September 25, 2008.

Motion (#2) was made by member Matevich and seconded by member Chemers to table the Silver Cross PUD until the September 25th meeting. Ayes: Matlock, Matevich, Schumpp, Chemers and Goldie. Nays: None. Motion carried.

WORKSHOP/PUBLIC HEARING – DOOGAN VARIANCE

Public Hearing Request: Variances for Accessory Structure Setback from 10' to 1.2 (East) and from 10' to 7.06' (South), Lot Coverage from 20% to 27%, and First Floor Building Materials  
Variances for Existing Conditions: Lot Width from 100' to 62', Lot Depth from 150' to 100', Lot Area from 15,000' to 6,200' Sq. Ft., Corner Side Yard Setback from 30' to 9.18', Front Yard Setback from 30' to 13', Driveway Setback from 5' to 1.5', First Floor Building Materials, Lot Coverage from 20% to 24%, Accessory Structure Setback from 10' to 1.20' (Eastern), Accessory Structure Setback from 10' to 9' (Western), Accessory Structure Setback from 10' to 9.5' (Southern)

- Plat of Survey prepared by: Rogina & associates, LTD Dated 7.21.2008
- Architectural Elevations prepared by: Better Built Lumber And Supply, INC. Dated 8.25.2008

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 property at 144 Nebraska has an existing garage at the southeast corner which the applicant plans to raze to construct a new detached garage.

Mr. Brown noted that to meet the required setbacks, the applicants would need to remove or modify an existing pool, deck and patio and presented photographs of the existing improvements for the Commission's consideration. Planner Brown concluded his report and recommended the Commission condition approval upon compliance with all applicable fire safety codes.

Chair Goldie asked if the applicant had any additional comments and she said the report covered everything. There were no questions from the audience.

With no further comments, a motion (#3) to close the public hearing was made by member Schumpp and seconded by member Matevich. Ayes: Matevich, Chemers, Beeson, Matlock, Schumpp and Goldie. Nays: None. Motion carried.

Chair Goldie asked if the applicant was agreeable to comply with the fire safety restrictions imposed because of the proximity of neighboring structures; she answered affirmatively. Members asked if existing structures on neighboring properties were compelled to meet the fire safety regulations and Sr. Planner Brown answered only the new building was required to comply. There was no further discussion.

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

Existing Non-Conforming Lot Conditions

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 was platted and developed prior to the adoption of the current zoning ordinance. Modifying the exiting improvements is cost prohibitive. Modifying lot dimensions and area is prohibited by surrounding development.

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

The property was platted and developed prior to the adoption of the current zoning ordinance.

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

The majority of the properties in the immediate area were platted and homes constructed prior to the adoption of the current zoning ordinance and as such exhibit similar non-conformities.

Accessory Structure Side Yard Setback (east)

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;*

Detached garages are common improvements on single-family residential lots. Were the applicant to meet the required setbacks the utility of the rear yard would be compromised thereby reducing the resale value of the property.

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

The existing garage maintains a reduced setback. Constructing the new garage to meet setback requirements would require removal of an existing pool and deck.

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 (south)

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;*

Detached garages are common improvements on single-family residential lots. Were the applicant to meet the required setbacks the utility of the rear yard would be compromised thereby reducing the resale value of the property.

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

Were the applicants to meet the required setback the new garage would encroach an existing concrete patio at the rear of the home.

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

#### Lot Coverage

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;*

If the applicant were required to meet the required 20% lot coverage part of the existing home would have to be removed.

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

The existing lot is substandard as to lot area. If the property met the 15,000 sq. ft. minimum lot area requirement a lot coverage variance would not be necessary.

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

Many of the lots in the area are substandard with respect to lot area and would require lot coverage variances to accommodate additions.

#### First Floor Building Materials for an Accessory Structure

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;*

Requiring accessory structures in this area to meet first floor masonry requirements would conflict with established development patterns.

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

The property is subject to building regulations designed to address new development. A masonry garage would conflict with the development pattern in the area and materials of the existing home.

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

Many accessory structures in the area do not meet the first floor masonry requirement and as such the proposal is consistent with the character of the area.

A motion (#4) was made by member Matlock and seconded by member Chemers to approve variances for the existing non-conforming conditions as enumerated in the staff report to bring the property located at 144 W Nebraska Street into compliance with current ordinance requirements, in accordance with the reviewed plans. Ayes: Beeson, Matlock, Chemers, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

Member Matlock made the motion (#5) and seconded by member Chemers to approve a variance for accessory structure setback from 10' to 1.20' along the eastern property line to permit construction of a two car detached garage on the property located at 144 W. Nebraska Street, in accordance with the reviewed plans. Ayes: Matevich, Schumpp, Chemers, Beeson, Matlock and Goldie. Nays: None. Motion carried.

A motion (#6) was made by member Matlock and seconded by member Chemers to approve a variance for accessory structure setback from 10' to 7.06' along the southern property line to permit construction of a two car detached garage on the property located at 144 W. Nebraska Street, in accordance with the reviewed plans and conditioned upon

meeting all applicable fire code requirements. Ayes: Schumpp, Matevich, Beeson, Matlock, Chemers and Goldie. Nays: None. Motion carried.

Member Matlock made the motion (#7) and seconded by member Chemers to approve a variance for first floor building materials to permit the use of vinyl-coated steel siding to construct a two car detached garage on the property located at 144 W. Nebraska Street, in accordance with the reviewed plans. Ayes: Beeson, Matlock, Chemers, Matevich, Schumpp and Goldie. Nays: None. Motion carried.

Member Matlock made the motion (#8), seconded by member Chemers to approve a variance for lot coverage from 20% to 27 % to permit construction of a two car detached garage on the property located at 144 W. Nebraska Street, in accordance with the reviewed plans. Ayes: Matlock, Chemers, Beeson, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

#### WORKSHOP/PUBLIC HEARING – SIGNORE VARIANCE

Public Hearing Request: Variances for Accessory Structure Setback from 10' to 0' (North) and 10' to 4' (East), Accessory Structure Height from 15' to 21.5', First Floor Building Materials, and Lot Coverage from 20% to 33%

Variances for Existing Conditions: Lot Width from 100' to 52', Lot Depth from 150' to 132', Lot Area from 15,000' to 6,864', Front Yard Setback 30' to 19', Side Yard Setback (West) from 10' to 2.48', First Floor Building Materials, and Lot Coverage from 20% to 25.3%

- Plat of Survey prepared by: Claassen, White & Associates P.C., dated 10.29.04
- Architectural Elevations and Floor Plans prepared by: Jerold L. Axelrod, VOF received 8.07.08

The Chair swore in all who wished to testify; staff remained under oath. The receipts from registered letters were entered into the record.

Mr. Brown presented the staff report noting the property at 211 Nebraska is not currently improved with a garage and the applicant proposes to construct a detached 21' x 22.4' garage at the northern end of the property. Staff noted that existing site improvements including a hot tub, patio and outdoor fireplace preclude the applicant from meeting setback requirements along the northern property line and presented photographs of the improvements for the Commission's consideration.

The Chair solicited questions from the audience and the neighbor from 16 Walnut Street stated he lived on the north side adjacent to the property and wanted assurance the eaves, gutters and roof overhang would remain outside of his property line. The applicant noted there would be no encroachment of the neighbor's property line and staff added approval would also be conditioned upon meeting applicable fire safety codes.

Motion (#9) was made by member Chemers and seconded by member Matevich to close the public hearing. Ayes: Beeson, Matevich, Matlock, Schumpp, Chemers, Schwarz and Goldie. Nays: None. Motion carried.

Commissioners noted that the height and materials of the garage were consistent with the existing home and that many accessory structures in the area do not meet setback requirements.

Mr. Brown presented the Standards of Variance for review and the following findings were accepted into the record:

Existing Non-Conforming Lot Conditions

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 was platted and developed prior to the adoption of the current zoning ordinance. Modifying the exiting improvements is cost prohibitive. Modifying lot dimensions and area is prohibited by surrounding development.

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

The property was platted and developed prior to the adoption of the current zoning ordinance.

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

The majority of the properties in the immediate area were platted and homes constructed prior to the adoption of the current zoning ordinance and as such exhibit similar non-conformities.

Accessory Structure Side Yard Setbacks (north and east)

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;*

Detached garages are common improvements on single-family residential lots. Were the applicant to meet the required setbacks the utility of the rear yard would be compromised. Not providing a garage and / or reducing the utility of the rear yard could compromise the resale value of the property.

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

The existing lot is non-conforming with respect to area, depth, and width, which limits the usable area of the rear yard. Meeting the required setback would require the removal of existing improvements including a patio, hot tub and outdoor fireplace.

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.

### Lot Coverage

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;*

If the applicant were required to meet the required 20% lot coverage part of the existing home would have to be removed.

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

The existing lot is substandard as to lot area, if the lot met the 15,000 sq. ft. requirement a lot coverage variance would not be necessary.

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

Many of the lots in the area are substandard with respect to lot area and would require lot coverage variances to accommodate the construction of detached garages.

### First Floor Building Materials for an Accessory Structure

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;*

Requiring accessory structures in this area to meet first floor masonry requirements would conflict with established development patterns.

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

The property is subject to building regulations designed to address new development. A masonry garage would conflict with the development pattern in the area and materials of the existing home.

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

Many accessory structures in the area do not meet the first floor masonry requirement and as such the proposal is consistent with the character of the area.

### Accessory Structure Building Height

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;*

Garages exceeding 15' are common with in the downtown area. Meeting the 15-foot height requirement would be inconsistent with the existing development patterns in the area.

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

Village ordinance requires the architecture and roof pitch of accessory structures be similar to that of the principal structure. Meeting the 15-foot height requirement would require significant reduction of the roof pitch of the proposed garage, which would be inconsistent with that of the existing home.

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

Detached garages exceeding 15 feet are common within the Downtown Area and as such the proposal is consistent with the character of the area.

Member Schumpp made the motion (#10), seconded by member Matlock to approve a variance for the existing conditions enumerated in the staff report to bring the property located at 211 W Nebraska Street into compliance with current ordinance requirements, in accordance with the reviewed plans. Ayes: Chemers, Matlock, Beeson, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

Motion (#11) was made by member Schumpp and seconded by member Matevich to approve a variance for accessory structure setback along the northern property line from 10' to 0' feet to permit the construction of a detached two car garage for the property located at 211 W. Nebraska St., in accordance with the reviewed plans and conditioned upon construction of the garage in accordance with all applicable fire safety codes. Ayes: Chemers, Matlock, Beeson, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

Member Matlock made the motion (#12), seconded by member Chemers to approve a variance for accessory structure setback along the eastern property line from 10' to 4' feet to permit the construction of a detached two car garage for the property located at 211 W. Nebraska St., in accordance with the reviewed plans. Ayes: Chemers, Matlock, Beeson, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

Member Schumpp made the motion (#13), seconded by member Matevich to approve a first floor building materials variance to permit the use of vinyl siding in the construction of a detached two car garage for the property located at 211 W. Nebraska St., in accordance with the reviewed plans. Ayes: Chemers, Matlock, Beeson, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

A motion (#14), was made by member Schumpp and seconded by member Matevich to approve a variance for lot coverage from 20% to 33.5% to permit the construction of a

detached two car garage on the property located at 211 W. Nebraska St., in accordance with the reviewed plans. Ayes: Chemers, Matlock, Beeson, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

A motion (#15), was made by member Matlock and seconded by member Chemers to approve a variance for accessory structure height from 15' to 21.5' permit the construction of a detached two car garage on the property located at 211 W. Nebraska St., in accordance with the reviewed plans and conditioned upon no residential or commercial use of the garage. Ayes: Chemers, Matlock, Beeson, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

PUBLIC HEARING – FPI, FRANKFORT. INC.

Public Hearing Request: Special Use for Liquor Sale in Connection With a Full-Service Restaurant, and Extended Hours of Operation Until 1:00 A.M. Daily

- Plat of Survey Prepared By: Joseph A Schudt & Associates Dated 6.13.2007
- Menu, Prepared by Fireplace Inn

Audience and applicants wishing to testify were sworn in by the Chair; staff remained under oath. Receipts of the registered letters were entered into the record.

Sr. Planner Brown stated the Fireplace Inn currently operates in the Old Town neighborhood of Chicago and proposes to open a second location on the 2.8 acre property formerly occupied by the Northwoods and Poor Red's restaurants at 9545 St. Francis Road.

Two special uses are required for liquor sales in connection with a full-service restaurant and extended hours of operation until 9:00 a.m. daily.

Mr. Brown noted the sale of liquor is typical of full-service restaurants and liquor sales were previously approved for the former restaurants. Village ordinance permits hours of operation from 7:00 a.m. to 11:00 p.m. daily, however the food service is proposed until 1:00 a.m.

The applicant had proposed a similar floor plan to the existing one and had no . plans for indoor or outdoor music. The applicant had attached a menu to the packet for review. This concluded the report.

Bob Kennedy of 10562 Lexington, Sr. Vice President of the Old Second Bank is a neighbor to the proposed Fireplace Inn and said he approved the project noting concern that the building had been unoccupied and was glad to have a new restaurant in the Village.

Members discussed the existing outdoor seating area and whether entertainment should be prohibited Staff said permission for outdoor seating was granted for the previous

restaurants with no prohibition outdoor music. Mr. Brown noted there was a good amount of space between the restaurant and the nearest residential area.

Applicant Ky Novak said his family had been in the restaurant business in downtown Chicago for 39 years and looked forward to opening a successful restaurant in Frankfort. He preferred to have the option of adding entertainment in the future if it would improve business.

Commissioners expressed approval for a rib restaurant occupying the “log-cabin” style Northwoods location.

Motion (#16) was made by member Matevich and seconded by member Schumpp to close the public hearing. Ayes: Chemers, Matevich, Matlock, Schumpp, Beeson and Goldie. Nays: None. Motion carried.

Member Matlock made the motion(#17), seconded by member Chemers to approve a special use for liquor sales in connection with a full-service restaurant located at 9545 St Francis Rd., in accordance with the reviewed plans, subject to automatic expiration of this permit upon discontinuation of The Fireplace Inn restaurant. Ayes: Chemers, Beeson, Matlock, Schumpp, Matevich and Goldie. Nays: None. Motion carried.

Member Matlock made the motion (#18), and seconded by member Chemers to approve a special use for extended hours of operations to 1 A.M. Daily in connection with a full-service restaurant located at 9545 St Francis Rd., in accordance with the reviewed plans, subject to automatic expiration of this permit upon discontinuation of The Fireplace Inn restaurant. Ayes: Schumpp, Matevich, Chemers, Beeson, Matlock and Goldie. Nays: None. Motion carried.

#### OTHER BUSINESS

Mr. Brown said the Silver Cross PUD had several outstanding wetland concerns for the Army Corp and IDOT issues requiring attention to the turning lanes required for the medical facility proposed at the corner of Rte. 30 and 93<sup>rd</sup> Avenue.

Members asked staff to research the signage criteria for the storefronts along Old Frankfort Way to determine whether the Allstate Insurance signage was in compliance with the criteria for that PUD. Mr. Brown will report on the status.

#### ADJOURNMENT

Member Matevich made the motion (#19), seconded by member Schumpp to adjourn the September 11, 2008 meeting of the Plan Commission at 7:30 p.m. Ayes: Unanimous voice vote. Nays: None. Motion carried.

