



MINUTES
REGULAR MEETING OF VILLAGE OF FRANKFORT
PLAN COMMISSION / ZONING BOARD OF APPEALS
DECEMBER 13, 2018 – VILLAGE ADMINISTRATION BUILDING
432 W. NEBRASKA STREET

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

Commissioners Present: Margaret Farina, Alicia Hanlon, Gene Savaria, Jessica Petrow, Maura Rigoni and Chairman Don Schwarz

Commissioners Absent: Lisa Hogan

Staff Present: Assistant Director of Development Services Zach Brown and Utilities Executive Assistant Marina Zambrano

Elected Officials Present: Trustee Mike Stevens, Trustee John Clavio, Trustee Bob Kennedy, Trustee Keith Ogle and Clerk Adam Borelli

Chairman Schwarz swore in all those wishing to give public testimony.

A. Approval of the Minutes from November 8, 2018.

Motion (#1): Approval of the minutes from November 8, 2018.

Motion by: Farina
Approved: (5 to 0)

Seconded by: Petrow

B. Public Hearing Request: Roma Sports Special Use (Table Indefinitely)
(CONTINUED FROM NOVEMBER 8, 2018)

Public Hearing Request: Special use for outdoor recreation and entertainment and variances of rear yard setback from 10 feet to 0 feet and front yard setback from 50 feet to 42 feet to permit the construction of two outdoor baseball fields on lots 16, 17, and 18 in the East Point Industrial Park in connection with the existing business, Roma Sports, located at 9115 Roma Court.

Motion (#2): Table the public hearing indefinitely.

Motion by: Farina
Approved: (5 to 0)

Seconded by: Hanlon

C. Public Hearing Request: Grounded Coffee Bar Special Use (Ref.#102)

Public Hearing Request: Special use for a carry-out restaurant to permit the operation of the Grounded Coffee Bar, located at 19 Ash Street, North Unit.

Assistant Director of Development Services, Zach Brown presented the staff report and provided an overview of the request. The applicant, Shelia Raines and contractor, Tim Cosgrove were present and further described the proposal.

During the Plan Commission discussion:

- Commissioners questioned the proposed hours of operation. The applicant noted that she planned on being open from 7:00 am to 7:00 pm Monday thru Friday, 8:00 am to 5:00 pm on Saturday, and 9:00 am to 4:00 pm on Sunday;
- Ms. Raines stated that she planned on adjusting her hours to coincide with Village events;
- Commissioners discussed parking noting that the peak hours of the proposed use differ from the peak hours of the surrounding restaurant uses;
- The applicant noted that the stores on the west side of Ash Street are not open in the early morning hours when she expects to be busiest;
- Commissioners noted that the proposed location was excellent and that the business would be a welcome addition to the downtown area;
- Members questioned the proposed signage. Staff noted that all signage would be reviewed by the 1890's Theme Committee which Chair Schwarz recommended as a condition;

Motion (#3): Recommend the Village Board approve a special use permit for a carry-out restaurant to permit the operation Grounded Coffee Bar at 19 Ash Street in accordance with the reviewed plans and public testimony and conditioned upon 1890's Theme Committee approval of all proposed signage.

Motion by: Petrow
Approved: (5 to 0)

Seconded by: Rigoni

D. Public Hearing Request: Honeybee Project LLC Variance and Special Use (Ref.#108)

Public Hearing Request: Fence height variance from 5 feet to 7 feet, and special use for a utility facility to develop a solar energy production field on a portion of the ±32 acre property located at the southwest corner of Pfeiffer Road and Sauk Trail.

Assistant Director of Development Services, Zach Brown presented the staff report and provided an overview of the request. The applicant, Josh Barrett was present joined by landscape architect, Lance Thies, and attorney John Albers who further described and the proposed project and the changes since previously reviewed by the

Commission. Mr. Barret noted that he met with the property owner to the northeast and provided a letter of support from the property owner to the south. Mr. Barrett noted that the property was annexed and zoned residentially in 1996 and since then the market has not supported its development for single family housing. The applicant noted that the proposed project would bring in tax money without creating an impact on Village services and that it would diversify the tax base and provide for open space preservation in accordance with the recommendations of the Village's Comprehensive Plan.

Landscape architect Lance Thies discussed the proposed changes at the entrance of the facility and the new decorative fence, noted that mulch would be provided at the base of the transition yard plantings, and stated that the wire mesh fence would not be visible from the north, south, or west.

John Albers, project attorney noted that the applicant worked closely with staff to develop an agreed upon conditions list and that he spoke with the Department of Agriculture and Will County both of whom were amenable to naming the Village of Frankfort as the primary beneficiary on the letter of credit for decommissioning.

A representative from the Sierra Club was present and spoke in favor of the project and the development of what would be the first solar farm in the south suburbs.

Brian Alek, a property owner immediately north of the proposed development noted that he was opposed to the project stating that when he bought his home the subject property was zoned residentially, that future residential use was called for in the Village's Comprehensive Plan, and that based on those points he expected the subject property to be developed as a residential subdivision.

During the Plan Commission discussion:

- Commissioners discussed the proposed land use as it related to the future land use prescribed by the Comprehensive Plan. Some Commissioners noted that the proposed utility use was inconsistent with the recommendations of the Comprehensive Plan and as such inappropriate. Others noted that given the nearby ComEd substation, power lines, and future adjacent industrial use the proposed use could be appropriate if properly screened;
- Members noted that Village is in the process of updating its comprehensive plan and as such the recommended future land use for the subject property as well as the surrounding properties could change;
- Commissioners discussed the proposed sight line diagrams noting that the proposed plantings would not provide complete screening at the time of installation;
- Members discussed the proposed wire mesh fence noting that it was inconsistent with fence requirements in residential zoning districts. Commissioners noted that several of the Village's utility facilities are located in residential areas and that they utilize appropriate decorative fencing. The applicant noted that the wire mesh fence was intended to

blend in and that it would be screened by the proposed transition yard landscape plantings;

- Commissioners discussed the property value impact study provided with the staff report. Members noted that solar farms are relatively new in Illinois and as such limited data is available to substantiate their impacts to adjacent property values;
- Commissioners discussed the proposed site plan changes noting that they were appreciative of the applicants efforts to include BMP's and address erosion control / sedimentation issues as well as the replacement and relocation of the existing drain tiles;
- Members discussed the proposed cash in lieu payment for the removal of preservation trees and questioned why a full 100% replacement value was not provided. Staff noted that the applicant took into consideration the poor condition of the trees being removed in support of the proposed 70% replacement value. The applicant stated that he was willing to provide the 100% replacement value if necessary;
- Commissioners discussed the proposed financial surety for decommissioning and questioned why specific decommissioning surety language was not provided for review given its importance to the project. Mr. Albers noted it was premature to provide specific language as it is unclear if the proposed project would be selected for funding. Members expressed concern that resolution of the surety language could pose a problem in the future and that they would have preferred to have had the language for review prior to consideration at the public hearing;
- Commissioners discussed the number of recommended conditions noting that they prefer to see projects that are sufficiently detailed and developed so as to limit the number of necessary conditions;
- Commissioners discussed the standards of special use;
- Mr. Albers noted that there is not a lot of data on impacts to property values in the Midwest however cited a survey in Minnesota that was in proximity to residential development which also concluded that solar farms do not have a negative impact on property values;
- Mr. Barrett offered to consider the inclusion of a decorative fence around all or part of the project if doing so would satisfy the concerns of the commission. Members noted that such a proposal should have been included on the provided plans and that without specific details and time to properly consider the suggested change it would be difficult to determine its impacts;
- Audience member Tim Baker noted that he was a New Lenox resident who had been following the project for years. Mr. Baker noted that the

proposed project was cutting edge and would be an asset to the community. Mr. Baker urged the Commission to not let minor outstanding details get in the way of the approval of such a beneficial project;

Motion (#4): Recommend the Village Board approve a special use permit for a solar energy production field in accordance with the reviewed plans and public testimony and conditioned upon:

- a. Final engineering approval; and
- b. Final site plan approval; and
- c. Final landscape plan approval; and
- d. No expansion or material modification of the utility use without approval of an amended special use permit; and
- e. Provision of a financial security, suitable to the Village, to secure establishment of the proposed native landscape plan; and
- f. Approval of a final decommissioning plan to include specific conditions upon which decommissioning will be initiated, a specific timeframe in which decommissioning will be completed, identification of the party responsible for decommissioning, and language noting that if decommissioning is not completed within the specified timeframe that the Village of Frankfort may draw upon the financial security and perform the necessary decommissioning activities; and
- g. Provision of a financial security to secure future decommissioning of the utility use in a form acceptable to, and at the sole discretion of the Village of Frankfort; and
- h. Approval and recordation of a plat of easement for the proposed drainage easement; and
- i. Re-evaluation of the stormwater management plan if the size or type of solar panel footing changes during the final design process; and
- j. Modification of the engineering design plans to include provisions for post construction site evaluation of stormwater functionality and if demonstrated inconsistent with the approved stormwater design the owner shall immediately fund and construct corrective improvements necessary to meet the stormwater management standards of the Village of Frankfort, as determined by the Village of Frankfort; failure to do so shall result in the automatic termination of the special use permit and trigger decommissioning of the project; and
- k. Modification of the native grass areas within the 25' landscape transition yard to mulched landscape beds maintained in accordance with Village of Frankfort standards; and
- l. Provision of regular maintenance for any and all landscape beds, trees, shrubs, groundcovers, mulch, or otherwise located within the 25' landscape transition yard, in accordance with generally accepted landscape care standards and any then existing property maintenance code requirements, as amended from time to time; and
- m. No off-site solar access rights are granted or implied by the approval of this special use; and
- n. Application of village ordinances regarding development of neighboring properties shall not be impacted by the mere existence or operation of the solar energy production field, nor the failure of the owner(s), operator(s),

- or other interested party(ies) to acquire solar access rights from an adjoining property owner(s); and
- o. Applicant must provide written approval and authorization to construct and connect the proposed facility to the electrical grid before this special use permit is effective; and
 - p. Execution of an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture; and
 - q. Failure to act upon this special use permit within twelve (12) months of issuance results in its automatic revocation, unless mutually extended in writing by the applicant and Village Board.

Motion by: Hanlon

Seconded by: Savaria

Motion Failed: (2 to 3)

Aye (2) Petrow, Hanlon

Nay (3) Savaria, Farina, Rigoni

Motion (#5): Recommend the Village Board approve a fence height variance from 5' to 7' in accordance with the reviewed plans and public testimony.

Motion by: Hanlon

Seconded by: Savaria

Motion Failed: (2 to 3)

Aye (2) Hanlon, Petrow

Nay (3) Rigoni, Farina, Savaria

E. Public Comments

None

F. Village Update

None

G. Other Business

Staff noted that the December 27th Plan Commission meeting would be canceled.

H. Attendance Update

Members present confirmed their availability for the next Plan Commission meeting to be held on January 10, 2019.

Motion (#6): Adjournment (7:54 PM)

Motion by: Rigoni

Seconded by: Hanlon

Unanimously approved by voice vote.

Approved December 14, 2018

As Presented AS

As Amended _____

Donnell Schwarz /s/Donnell Schwarz, Chairman

[Signature] /s/ Secretary