

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, November 16, 2020
Meeting Minutes #2020-12

I. ROLL CALL: Meeting called to order at 7:30 p.m.

A. Chairman: Rich Piazza

B. Members: Dave Bennett Pina Paruta (*ABS*)
Tom Duhig (*ABS*) Rich Piazza
Bill Lundy Vernon Zumhagen
Mike Moriarty

C. Staff: Kevin Casey, Village Attorney
Kevin McGuinness, Village Planner
Deanne Adasiak, Recording Secretary

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Commissioner Piazza.

III. APPROVAL OF PRIOR MEETING MINUTES:

A motion to approve the Regular Meeting Minutes #2020-11 dated November 2, 2020 was made by Commissioner Zumhagen and seconded by Commissioner Lundy.

Roll call: Zumhagen, yes; Piazza, abstain; Moriarty, yes; Lundy, yes; Bennett, yes.

Motion passes: 4-0-1.

The Oath was administered by Commissioner Piazza.

A motion was made by Commissioner Zumhagen to advance Pet. #2020-30 and was seconded by Commissioner Lundy.

Voice vote: All in favor, aye; All opposed, none.

Motion passes.

IV. MISCELLANEOUS PETITION:

A.) Pet. #2020-30 – Request for an Impervious Surface Variation at 4625 W. 106th Pl., Matthew & Michelle Knieps, Petitioner

Mr. Matthew Knieps, 4625 W. 106th Place, Oak Lawn, Illinois

The petitioner is requesting to install a concrete pad behind his garage and also add a sidewalk adjacent to the garage that leads to the pad. The petitioner indicated that he is adding 9' of concrete for a proposed shed. He expressed that it would bring the impervious surface 6% over the required lot coverage per Village Ordinance. The petitioner mentioned that there is a storm sewer at the rear of his property and said there has never been an issue with drainage. He also mentioned that he has a few letters from his neighbors confirming that there are no flooding issues in their area. The petitioner said the proposed shed would be used for storage of tools for his business.

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Commissioner Moriarty commented about the south end of the patio and pointed out that there is approximately 6' – 7' of grass for water runoff. He asked the petitioner if he intends to add any other drainage on the patio. The petitioner responded that there will be gutters and that he can add a rain barrel if needed. He reiterated that there is a storm sewer at the southeast end of the property. Commissioner Moriarty mentioned that the petition paperwork indicates that a permit was not pulled for the patio and when he spoke to the petitioner at his home the petitioner did have a permit for the patio work. Commissioner Piazza asked the petitioner for a copy of the permit and also of the neighbors' letters. The petitioner provided the copies he had available.

Mr. McGuinness pointed out that the survey shows a wood deck and that underneath that deck there is existing concrete. The petitioner agreed and said he will be removing the existing concrete.

Commissioner Zumhagen asked the petitioner if his intention is to build a shed and whether the shed will go behind the garage. The petitioner responded yes and said the proposed shed will be 9' off of the back of the garage. He said it will leave 6'9" off of the back of the fence. Commissioner Zumhagen asked the petitioner if he considered using permeable pavers which would allow for water runoff. The petitioner responded that if permeable pavers are what it takes to allow him to do this then he would. The petitioner expressed that he does prefer to use concrete.

Commissioner Lundy asked the petitioner if he operates his own business. The petitioner responded that he has a lot of tools for storage and said he needs additional storage. Commissioner Lundy pointed out that the petition paperwork reads that the petitioner needs the shed for automotive work and he needs to make a living. Commissioner Lundy asked the petitioner if he is repairing cars on his property. The petitioner replied currently he is not. Deanne commented that auto repair businesses out of a home are prohibited. The petitioner expressed that he is not. Commissioner Lundy reiterated the comments that the petitioner wrote in his paperwork that included that he needs to add the concrete for his automotive business as he needs to make a living. The petitioner said he does his own personal oil changes for himself and for his family. The petitioner said the main thing is that he needs the additional storage space for tools and his lawnmower, etc. Commissioner Lundy asked the petitioner again if he is running a repair shop out of his garage. The petitioner responded no.

Commissioner Piazza asked about the area to the west of the garage and pointed out the rock and dirt and asked the petitioner if he plans to make any changes in that area. The petitioner responded no. Commissioner Piazza commented about the gutters and rain barrels. The petitioner said he will absolutely consider both. Commissioner Piazza asked if there is ever standing water. The petitioner replied no. He said his neighbor next door has lived at the property since 1982 and there have never been water/flooding issues.

Commissioner Lundy expressed that he accepts that the petitioner is being honest and is not adding the space to do work in his garage. Commissioner Lundy said "automotive work to make a living" is mentioned three times in the petition paperwork. The petitioner said he has tools and he needs a place to store the tools. Commissioner Lundy asked staff if the Village finds out that the petitioner is doing work at his home if there will be a fine imposed. Deanne commented that a warning notice and a cease and desist order would be sent and the petitioner might have to appear in front of Adjudication if it got to that point. Commissioner Lundy asked the petitioner if he understands the consequences. Commissioner Lundy said he assumes it is the petitioner's handwriting in the petition paperwork and reiterated that the petitioner mentioned "automotive work to make a living" three times in his paperwork. The petitioner responded that he is not a mechanic.

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Commissioner Zumhagen said the way he read the petition paperwork is that the petitioner earns a living and works on automobiles to make a living.

Commissioner Moriarty mentioned the other shed on the property that is already filled. He said the petitioner never mentioned anything about repairing cars and that he only needed the additional storage for tools. Commissioner Piazza asked the petitioner if he understands the confusion. The petitioner responded that he understands.

A motion was made by Commissioner Moriarty to approve Pet. #2020-30- Request for an Impervious Surface Variation at 4625 W. 106th Pl., Matthew & Michelle Knieps, Petitioner. The motion was seconded by Commissioner Zumhagen.

Roll call: Bennett, yes; Lundy, yes; Moriarty, yes; Piazza, yes; Zumhagen, yes.

Motion to approve passes: 5-0-0.

B.) Pet. #2020-29 – Request for Sign Variations at 4031 W. 95th St., Volta Charging, LLC, Petitioner (returning 11/16/2020).

The petitioner was present via phone conference.

Ms. Dawn Zancan, Regional Director of Real Estate Acquisitions for Volta Charging, LLC, 6056 North Paulina, Chicago, Illinois

The Oath was administered by Commissioner Piazza.

The petitioner said they are seeking permission on behalf of one of their national partnerships with a grocer retailer at the Oak Lawn Commons site to install two medium Level 2 EV charging stations. The petitioner said that their partnership with the grocer retail is to install two chargers at every one of their locations as they develop and open across the U.S. The petitioner said the caveat for this retailer is to be the only provider that provides completely free EV charging across North America. The petitioner said they will provide the units, the infrastructure, the capital and operating expenses long term at no cost to the site partner or landlord. She mentioned the sponsored media on the digital display screens for off-site advertisement which is why they are requesting a sign variation.

Commissioner Bennett asked the petitioner the overall size of the unit. The petitioner responded that the unit is 86 ¼” in height and 32 ½” in width. Commissioner Bennett asked the dimensions of the advertising screen. The petitioner replied and said the digital display is 40” in height x 26” in width. She compared the digital display to a 50” diagonally measured television. The petitioner said that the displays are effective in outdoor weather and she mentioned the digital display for tornado and hurricane warnings. Commissioner Bennett asked whom is the advertising display geared toward. The petitioner explained that the display is placed near the front door of the tenant that they signed their agreement with and that the sponsored media includes their retail partner for their own advertising. She said the advertising runs on a two minute cycle and there are a total of 8 static images within the two minute cycle. She said Volta retains inventory for their brand awareness. Commissioner Bennett asked if the signs are directed toward traffic so that cars are being targeted. The petitioner responded yes. She said the primary purpose for the digital functionality are for the pedestrian and vehicular traffic in the area to see the media as well as provide free EV charging for the shoppers. She said their business model includes the free EV

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charging for patrons while shopping at the center. She said it is generally 2 hours of free charging but that in other markets, such as movie theaters, include 3 hours of free charging or sports arenas include 4 hours of free charging.

Commissioner Lundy referenced Commissioner Bennett's comment and asked with a two hour window whether a consumer would have to make an appointment to use the charging station. He asked how the unit is programmed for consumers. The petitioner said the way people become aware of the availability of the chargers is through the Volta website or the Volta app through a smartphone. The petitioner added that the chargers are also present in Google map and a national repository app called Plug Share. She said that anyone that drives an electric vehicle can update information on the locations of Volta stations. She added that if drivers choose to use the Volta app they will be *live* in real time and the app will show the number of units at a location and the status of the charging stations.

The petitioner said that Volta does rely on drivers to be good citizens and not overstay their welcome and that they do have a check in process on the station so when the free window is over the electricity will turn off. Commissioner Lundy said a customer would not have to make a reservation. The petitioner replied that is correct.

The petitioner mentioned that the only EV chargers currently present in Oak Lawn are at Christ Medical Center (4th & 5th floor of Lot A) and also the Kelly Nissan Auto Dealer which has one charger available near their service door area.

Commissioner Lundy mentioned the gas tax that raises revenue for a lot of municipalities and asked the petitioner how the municipality makes any revenue from the EV units. The petitioner said there is no direct revenue. She explained that from benchmarking data and other studies it is reported that Volta chargers are used 4x more frequently per day than any of their national competitors. The petitioner said that when they survey consumers shopping while using Volta chargers it is reported that consumers stay 30% longer to get that free charge. She explained that shoppers are engaging 30% longer with the center leading to an increase of 25% of retail which in turn generates tax revenue for the municipality. The petitioner said it will attract EV drivers to shop in Oak Lawn. She said that there are Volta stations at Chicago Ridge Mall (outside the food court and movie theatre entrance) and there is a Volta station at Ford City Mall.

Commissioner Lundy mentioned 5 spaces to the east of the building and whether Volta has any interest in going to the east of the building. The petitioner said Volta prefers the front parking spaces and said that they will never try to occupy or relocate ADA parking spaces. The petitioner explained it is actually the preference for the grocer retail that the units are placed in a premium parking stall as an incentive to EV drivers and also because they are placing their own promotional content on the display.

Commissioner Moriarty asked if there are hours of operations for the units or if they coincide with the hours of operation of the grocer retail. The petitioner said there is a lot of flexibility with that. She said it really is at the discretion of the landlord or the site partner that they sign their ground lease with; she said that currently the retailer has not mandated for Volta whether the units will be on 24 hours a day or if they want them open a half hour before store opening hours and shut down a half hour after closing. She commented that they do have the ability to dim the display in the evening.

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Commissioner Moriarty asked if the charging stations have audio. The petitioner responded that there is no audio nor is there movement. Commissioner Moriarty asked if the Village monitors the content on the digital display or if a municipality has to approve the content. The petitioner responded no. She expressed that Volta does not promote alcohol, tobacco, religion, adult material, etc. She said Volta is very cautious of the content. She said the final approval is made by the landlord and that they will never promote another grocer. Commissioner Moriarty asked if the Village would have any control. The petitioner responded no. The petitioner briefly explained that content can include safety alerts prompted by the Municipality. Commissioner Moriarty asked if the units charge only one car at a time. The petitioner responded yes. Each unit has one charger so it charges one car at a time. The petitioner responded that if the chargers are in high demand Volta can monitor utilization and then provide statistics to the Village of Oak Lawn; she expressed that with higher the utilization Volta will add on chargers. She said the additional add on chargers are limited up to 2 more towers on each media unit. She said Volta insures, operates, and maintains the equipment for the full 10 year lease at their cost.

Commissioner Zumhagen said he had a bunch of questions but that all his questions were answered including questions on the term of the lease, safety alerts, and whether there was any motion on the sign. He asked the petitioner if any part of their business model involves charging consumers for charging their cars. The petitioner responded that 90% of the time the answer is no. She said the one caveat as of recent is related to super charging or a Level 3 DC Fast charger. She said in those scenarios the free window time is smaller. She explained that what happens is there are SMS push warnings as the driver approaches the last 5 minutes of a term and then the last 2 minutes of a term and after the free window period they will start charging market rate. She said the difference in the Level 3 Fast charger is 450 volts of direct power which is a different cost and a very different burden to provide that free charge. She said in those scenarios they provide 30 minutes of free charging. She mentioned there are times that the site partner will pick up the additional cost.

Commissioner Zumhagen asked the petitioner how Volta remediates any damage or vandalism. The petitioner replied Volta is responsible and there is a 72 hour repair and replacement commitment.

Commissioner Piazza asked the petitioner if his research is correct in that Volta has 182 different locations in 8 suburbs. The petitioner responded no and said she believes the numbers are higher. She explained that currently they have installed 240 units and there are 300 units under contract. She said half of the units are in Chicago and the remaining chargers are in the suburbs. The petitioner mentioned that there are very few in the southwest suburbs. The petitioner mentioned Volta's national partnerships with grocers including Albertson's, Kroger, and Walgreens.

Commissioner Piazza asked about the average number of users. The petitioner responded and said 2 hours and 1 minute and there are 7 sessions each day. Commissioner Piazza asked if the units distract people outside a parked setting. The petitioner said they have never received a complaint or incident. The petitioner said it is not the intention for their advertising to be for the main thoroughfare.

Commissioner Piazza asked about the potential of a car pulling away from the unit with the chargers still in place. The petitioner said it is hard to happen as there would be resistance. She said it would depend on the type of vehicle. She explained that the vast majority of vehicles these days are Level 2 and those vehicles use an interconnector unit and the plug is standardized. She said any manufacturer can take that connection with the exception of Tesla. She said Tesla sells and adaptor with their cars as part of their purchase. She said Level 2 is more common than Level 3 because every single manufacturer can use it. The petitioner said unlike a gas nozzle when the unit

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is plugged in it locks. She said it will tell the car if it is going to disengage. She said if the electricity stops running it will unlock. She said if someone were to back away it will pull back similar to hitting a Ballard or a curb stop. She said a car would have to accelerate 40 mph to pull it out of the unit. The petitioner said for the most part they find that people are good citizens and the one thing that they cannot control is that people do not always recoil the cords after they are finished charging.

Mr. McGuinness asked the petitioner if Volta will allow the Village to put one non-emergency message. The petitioner responded yes.

Commissioner Lundy said it appears that a lot of the sales tax with gas stations will be lost. He asked how this works with the other municipalities as he feels that this question had to come up before. The petitioner said it comes up a lot. She expressed that she does not believe the State of Illinois has figured it out. She said the State is not passing on any revenue to the municipality. She said she is hoping in the near future we will start to see a market for secondary utilization for electric vehicles and that the State will come up with a better way.

Commissioner Lundy referenced the petitioner's comments on their business model that shows that drivers using the charging units stay 30% longer. He asked the petitioner if she meant that people are buying 30% more groceries. The petitioner replied that people are staying longer whether it is buying a coffee or a pastry. She said that will have an impact. The petitioner said with the charging units at the Oak Lawn Commons she feels that there is a lot of opportunity for the local car dealerships. She said she anticipates that there will be a lot more EV chargers on lots in the next year. The petitioner said the communities around Oak Lawn have not been huge adopters so it would give Oak Lawn an opportunity to be an innovator.

Commissioner Lundy asked about the 2 units and referenced the petitioner's earlier comments to add more nozzles. The petitioner explained that if there was opportunity to add, they would branch more charging off the nozzle from one media station.

Commissioner Bennett asked what the cost would be to Volta for 67 minutes. The petitioner said the benefit that Volta has is that power is cheap. She said the average cost is \$37 - \$45 each month.

Commissioner Zumhagen mentioned that even beyond the world of electronic charging he has noticed that most new gas stations or those that do a remodel are also adding large displays with commercial content. He commented that he realizes that those displays are not as big but he also does not see those gas stations asking for any guidance or guidelines about what they can or cannot put on their displays.

Commissioner Lundy asked the petitioner if they pay rent to the retail owner. The petitioner responded yes. She said it is in the range of \$125.00 per month and expressed that the idea of the chargers is that they are an amenity to the grocer retail.

A motion was made by Commissioner Zumhagen to approve Pet. #2020-29-Request for Sign Variations at 4031 W. 95th St., Volta Charging, LLC, Petitioner. The motion was seconded by Commissioner Moriarty.

Roll call: Zumhagen, yes; Piazza, yes; Moriarty, yes; Lundy, yes; Bennett, yes.

Motion to approve passes: 5-0-0.

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V. OTHER BUSINESS:

A.) Chairman: *None.*

B.) Members: Commissioner Lundy said he does not see how a municipality is going to make any money off of the EV chargers. Commissioner Zumhagen said he feels that the money making opportunity is lost at the point when an electronic vehicle is sold. He said that is when the gas revenue evaporates. Commissioner Zumhagen said that at the point that people are charging their vehicles, that revenue is already lost. Commissioner Lundy said the State of Illinois is making money but they are not going to give it to the municipalities. Village Counsel said the Village could charge Volta a standard permit fee for every unit that they place. He said as an example the Village could charge \$1,000 for every station. Commissioner Lundy commented on fees that are lost in the gas tax revenue with the growth of electronic vehicles. The Commissioners briefly discussed the impact of gas revenue and other revenue opportunities that the Village may need to recoup.

C.) Staff: *None.*

VI. ADJOURNMENT:

A motion to adjourn was made by Commissioner Piazza and seconded by Commissioner Bennett.

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned 8:36 p.m.