

**VILLAGE OF OAK LAWN**  
**ZONING & PLANNING COMMISSION**  
Village Hall Auditorium  
Monday, December 7, 2020  
Meeting Minutes #2020-13

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

- A. Chairman:** Rich Piazza
- B. Members:** Dave Bennett Pina Paruta  
Tom Duhig Rich Piazza  
Bill Lundy (ABS) 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 #2020-12 dated November 16, 2020 was made by Commissioner Zumhagen and seconded by Commissioner Moriarty.*

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

Motion passes: 4-0-2.

The Oath was administered by Commissioner Piazza.

*The Public Hearing opened at 7:32 p.m.*

**IV. MISCELLANEOUS PETITION:**

**A.) Pet. #2020-17 – Request for a Special Use Permit for Residential Use in a C-2 District at 9725 Southwest Highway, Samera Zayyad, Petitioner (returning)**

*Mr. Nehad Zayyad, Zayyad Law Offices, 11555 S. Harlem, Suite C, Worth, Illinois.*

*Mr. Frank Zayyad, petitioner, 9725 Southwest Highway, Oak Lawn, Illinois.*

Mr. Nehad Zayyad said that the subject petition is a modification to the original petition plans. He explained that the petitioner has been working with Village staff to consider utilizing one of the three established storefronts by converting a portion of the ground floor of the building into a studio apartment. Mr. Zayyad said that the three commercial storefronts will remain at the front of the property and the studio apartment will be at the rear of the property. Mr. Zayyad said the proposed plan will meet all Village requirements.

The petitioner said he spoke to Mr. McGuinness multiple times regarding the subject property. He said the original petition consisted of 2<sup>nd</sup> floor units for the structure but there were multiple concerns. The petitioner expressed that his family wants to be cognizant of the neighbors'

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concerns. He explained their new plan of a mixed use building by converting a portion of the ground floor of the building into a studio apartment by taking away some of the space of one of the commercial units. The petitioner expressed that their proposed plan will make the property more marketable by changing the building to a mixed use. The petitioner said although they have drawn up plans he stated that they are not formal plans. The petitioner indicated that when speaking with Mr. McGuinness one of the concerns is that the walls of the building must be fire rated. The petitioner explained that the walls are cinder block which is classified as a fire resistance rating of 2 hours. The petitioner said there are two different options that they can “run with”; the first option would be to add a mixed use hallway at the front. He explained that with the first option there would be a commercial retail space in front and an apartment style set up (one-bedroom, washroom, utility closet, and kitchen) at the rear of the property. He said the second option would be a studio apartment and they could eliminate an exit from the front or back and the fire code would be satisfied. He added that the building would be protected by a sprinkler system.

Commissioner Bennett said his concerns are that the building meets fire safety codes. The petitioner responded that the building *does* meet fire code and reiterated that the walls are cinder block with a 2 hour fire rating. He mentioned that the Village of Oak Lawn has a 1 hour fire rating requirement.

Commissioner Bennett asked about the entrance and exit and whether they will meet code. The petitioner responded yes. He said with either option of adding a studio apartment or an enclosed bedroom they would meet the required Village codes. The petitioner indicated that if they enclose a bedroom it would create a smaller commercial space up front and there would be a shared corridor between the commercial space and the residential space. The petitioner said depending on when they meet with the architect they would then determine their options but that both would suffice.

Commissioner Duhig said his concern is having both a residential and commercial use. He expressed that the entire area of Southwest Highway is supposed to be a commercial corridor. He said at this time he would not be favorable. The petitioner pointed out that currently at the 97<sup>th</sup> block of Southwest Highway there are multiple buildings with residential units. The petitioner also mentioned the adjacent building to their property has a 4-unit residential space located on the second floor. Commissioner Duhig responded that the adjacent properties’ residential use is not on the main level. The petitioner reminded Commissioner Duhig that they are not putting any residential space at the frontage of Southwest Highway. He said they would keep the commercial spaces in front so it does not discern from the historical landmark of the corridor. Commissioner Duhig asked staff if the proposed building would affect property tax. Mr. McGuinness responded that based on his research it would lower the tax for the property. The petitioner said there are multiple benefits to the proposed building and one of the benefits is a tax break. The petitioner said one of the major concerns on Southwest Highway is that between Ridgeland and 95<sup>th</sup> Street it is a very hard spot to rent. He said they have been at the building for approximately 20 years and it is hard to rent to a commercial tenant. The petitioner said due to the Covid pandemic, residential is a thriving market. The petitioner mentioned the multiple units for lease or for sale on Southwest Highway.

Commissioner Duhig said he does not see a bathroom at the front office. The petitioner said a bathroom could be easily achieved. The petitioner said a washroom in a commercial space would only need a toilet and a sink and that it only needs to be 25 square feet which is very achievable. Commissioner Duhig said it is not included in the proposal. The petitioner responded that Commissioner Duhig is correct and reiterated that they can easily add a bathroom to the storefront. Commissioner Duhig asked if there is an open hallway all the way to the rear. The petitioner said

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that if they add the studio apartment they do not have to have the connection from the front office to the rear. He said if they change it to a one-bedroom apartment rather than the studio apartment then they would have the corridor. Mr. Zayyad commented that if the Village approves the Special Use the petitioner will most likely go with the studio apartment option to keep the separation from commercial and residential. He said the petitioner will meet all the code requirements and keep that structure solid. He also mentioned that adding a bathroom to the commercial space is easily attainable.

Commercial Moriarty asked for clarification on the Special Use paperwork that requests a variation for a studio apartment. The petitioner explained that their initial paperwork was a variation for a one bedroom apartment but after speaking with Mr. McGuinness and listening to some of the concerns, including the fire wall as well as the requirement for an exit or window, they decided to alleviate that issue by changing the variation to a studio apartment. Commissioner Moriarty asked staff if a separate petition would be required for the one bedroom unit. Mr. McGuinness responded and said to clarify the petitioner's comments the petitioner means to say "option" rather than "variation". Commissioner Moriarty asked if the petition before them tonight is for the studio apartment. Mr. McGuinness replied and said the petition is for a Special Use permit for either a studio apartment *or* a one-bedroom unit.

Commissioner Zumhagen said he agrees with Commissioner Duhig's comments in that it is highly irregular to have residential on the main floor. He said although there have been a lot of residential in commercial areas on Southwest Highway, the residential spaces have always been on the second floor. He said approving a residential unit on the first floor of a commercial property on Southwest Highway would definitely set a precedent that he does not want to see going forth. The petitioner said one of the concerns of the prior petition was that the neighbor adjacent to them had solar panels that would be impacted by a second story building. He said in order to alleviate that issue they came up with this resolution to build on the first floor. The petitioner said if they were able to build a second story building and not inflict on the neighbor's property, they would have definitely moved forward with their request for the second floor apartments. The petitioner said he understands it is a first time precedence but he feels there is a first time for everything. Commissioner Zumhagen said he understands and he recognizes that there are circumstances here that require the change.

Commissioner Zumhagen mentioned that the petitioner owns both 9723 and 9725 Southwest Highway and asked the petitioner if he only plans to change the subject property. The petitioner responded yes. Commissioner Zumhagen asked if there are any plans to add a residential unit to the other property. The petitioner responded that it is not their intent at this time. He added that if it works out well they may consider that in the future and that they would definitely return and petition through this Commission. He said as of now the goal for them is just the one unit. Commissioner Zumhagen mentioned the parking spaces at the back and pointed out that the office tenants will not be able to access parking without going around the building. The petitioner responded that the office tenants will have to access parking around the building; he said that there is no code that stipulates direct access to parking.

Commissioner Piazza asked about sound walls between the residential and commercial units. The petitioner said that they can definitely sound proof the wall with insulation or by doubling up the wall. Commissioner Piazza asked the petitioner how he will attract tenants. The petitioner responded that technology is at their disposal so they will either advertise online or consider a realtor. Mr. Zayyad mentioned that prior to purchasing the property some years ago, the subject property used to be a gun shop and gun range and he feels that any sound concerns will not be an

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issue. Commissioner Piazza said he is agreement with Commissioner Duhig and Commissioner Zumhagen in that this would be the first time this type of request would be permitted.

Commissioner Bennett expressed concern about the lack of natural daylight in the bedroom unit. The petitioner commented that they will add faux fixtures and/or canned lights in the units to increase lighting. Commissioner Bennett asked staff if there is a Village code related to natural light or ventilation. Mr. McGuinness said as far as natural light there is not a Village Code requirement only the fire code requirement. The petitioner explained that he works for the Cook County Health Dept. in Life Safety and manages 19 facilities. He said he has dealt with issues on multiple levels and he understands everyone's concerns but he is hoping they could move forward as they have sufficed everyone's concerns. Commissioner Bennett said that the more he looks at the rendering there are no windows and he feels it needs a skylight or natural light. The petitioner responded that the fire code would not require windows. Commissioner Bennett said he understands but he feels it will be very dark. The petitioner said along the south elevation they can add a window if that would suffice the Commissioner's concerns. The petitioner added that the window would face a parking lot. Commissioner Bennett said a skylight might work to add natural light. The petitioner said they could attain natural light by adding a window. Commissioner Piazza asked staff if it could be added as a stipulation. The petitioner said the option could be to add skylight or a window on the south elevation. Mr. McGuinness said it could be added as part of the stipulation. Commissioner Zumhagen said he does not see the point in adding that stipulation; he said that the residential unit is going to have to be a place that a person wants to live and if they do not make it aesthetically pleasing it might not be to the petitioner's benefit. Commissioner Zumhagen said we are here to decide whether or not to allow a Special Use Permit for a Residential Unit not necessarily to get into the particulars of the aesthetics. The petitioner agreed. He said the issue primarily was the fire safety code with the 1 hour fire rating wall which he addressed and the other issue was in relation to the windows and Mr. McGuinness confirmed that there is no code stipulation to have the window. The petitioner expressed that based on his observation the comments are personal preference and he wants to reiterate that they have achieved the code compliance concerns.

Commissioner Duhig said there is only one door out and one door in to the offices. The petitioner responded that it meets the Fire Code requirement. Commissioner Duhig said the office tenant will want to lock their doors. The petitioner responded to Commissioner Duhig and said he is giving a personal opinion and reminded him that they are not infringing on any fire codes. The petitioner mentioned a property on the next block with three apartments and only one door in and out of the unit. The petitioner said it is already established on the block. Commissioner Duhig expressed that he is "stuck" on the idea of only having one door. The petitioner said he respectfully feels that the decision should be based on code and not what someone thinks should or should not be. The petitioner said he appreciates the input but he feels the proposed plan alleviates any concerns related to Village codes. Commissioner Piazza said this is a Special Use Permit for a Residential use in a C-2 zoning and he feels that the discussion should stay on point.

***The Public Hearing closed at 7:59 p.m.***

***A motion was made by Commissioner Zumhagen to approve Pet. #2020-17 – Request for a Special Use Permit for Residential Use in a C-2 District at 9725 Southwest Highway, Samera Zayad, Petitioner. The motion was seconded by Commissioner Paruta.***

Roll call: Bennett, yes; Duhig, no; Moriarty, yes; Paruta, yes; Piazza, yes; Zumhagen, yes.

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Motion to approve passes: 5-1-0.

***The Public Hearing opened at 8:02 p.m.***

The Oath was administered by Commissioner Piazza.

**B.) Pet. #2020-31 – Request for a Special Use Permit for Office Use in an R-3 District and Structure and Setback Variations at 4245 W. 95<sup>th</sup> St., Patrick McFowler, Petitioner**

***Mr. Patrick McFowler, 4245 West 95<sup>th</sup> Street, Oak Lawn, Illinois***

The petitioner explained his request of a Special Use Permit in order to construct a 3-story mixed use building. He indicated that he will keep the existing number of apartment units but reduce the office space from 2 to 1 commercial office spaces. The petitioner indicated that the building will have 1,000 square feet of office space and 9 apartment units. The petitioner mentioned that parking was the biggest concern with the initial petition. The petitioner said he listened to the concerns and said the building will be utilized the way it is used now aside from the reduction of one office space. The petitioner said that 7 additional parking spaces have been added to the interior of the property. The petitioner said the interior parking and the outside parking spaces will bring a total of 23 parking spaces available for the property.

Commissioner Moriarty referenced the 7 parking spaces on the interior and asked the petitioner if he will be losing any street parking. Commissioner Moriarty pointed out the entry off of Kildare and he said that the entry will eliminate one of the parking spaces. Mr. McGuinness agreed. Commissioner Moriarty asked about the width of the entry into the parking lot. The petitioner asked staff what the dimensions are for a standard parking stall. Mr. McGuinness responded that a standard parking stall size is nine feet wide and 19 feet tall. The petitioner said that would be the dimensions of the entry way into his parking lot.

Commissioner Duhig referenced the parking spaces and asked staff about the dimensions of the parking spaces. Mr. McGuinness responded that the dimensions are not noted on the rendering but he calculated the parking and 16 parking spaces *can* fit into the petitioner's lot; he said that includes the drive aisles and landscaping and he commented that it geometrically fits. Commissioner Duhig asked about the garbage dumpster. Commissioner Duhig noted that currently the dumpster takes up parking spaces 15 & 16. The petitioner said the dumpster is being relocated from the parking lot. Commissioner Zumhagen said the dumpster will be relocated to the southeast corner of the building adjacent to parking space #7.

Commissioner Duhig asked the petitioner how many 3 bedroom units will be in the new building. The petitioner responded that there will be a total of four 3-bedroom units and five 2-bedroom units. The petitioner added that he meets the required parking requirement of two parking spaces for each unit. Commissioner Duhig asked how many tenants are in the existing building. The petitioner responded 8 tenants. Commissioner Duhig asked how long the construction will process take. The petitioner responded that it will be approximately 1 year.

Commissioner Bennett asked if tenants 4, 5, 6, and 7 will enter from the alley way. The petitioner responded yes. Commissioner Bennett said the petitioner will lose two parking spots on the street. The petitioner said he believes he will only lose one spot. The petitioner commented on the proposed building and said it will be a state of the art building with an elevator.

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Commissioner Paruta asked about the office tenant space. The petitioner replied that he has operated his insurance office in that space for the last 25 years and will stay at that location. Commissioner Paruta asked the petitioner if he will add landscaping the back of the parking lot. The petitioner responded yes.

Commissioner Zumhagen commented on the entry way to the interior of the building. He said he is looking at parking spaces 1 & 2, the handicapped area and then the striped area next to the blue strip on the rendering and asked if that is an entryway. The petitioner said his architect can provide more detail. The petitioner pointed out the entry at the front of the office. Commissioner Zumhagen asked about access to the elevator and the residential portion of the building. The petitioner responded that there would be an entry at the side elevation. He showed the entry way on the rendering.

Commissioner Piazza asked the petitioner if he plans to add additional lighting. The petitioner said he will be adding cameras and lighting to the parking lot. He said there will be state of the art light sensors and commented that he will do whatever he needs to do to make everything safe and economically feasible. Commissioner Piazza asked about the camera locations. The petitioner responded that there will be a camera at the rear parking lot and also at the front on 95<sup>th</sup> Street. Commissioner Piazza asked if the number of total parking spaces is 23. Mr. McGuinness confirmed that there are 23 parking spaces.

Commissioner Duhig asked if there will be windows on the east side of the building. The petitioner said there will be windows all around the building. The petitioner apologized that his architect is not present to provide more detailed information. Mr. McGuinness commented that there is a 5' side yard between the east wall and the adjacent building. He said it is possible to have windows there but there are no bedrooms on that east wall. He said if the petitioner decided to add windows on the east side, the windows would face a hallway and stairwell. Commissioner Duhig commented that there were no windows shown on the rendering. The petitioner reminded Commissioner Duhig that he is in the preliminary stages for the Special Use permit to be granted. He said if he were further along he would have more detailed architectural drawings.

### ***Dr. Paul Omastiak, 9633 S. Kildare, Oak Lawn, Illinois.***

Dr. Omastiak commented that he knows there are 4-5 parking spaces on the west side of the petitioner's building. He commented that this is the first time he is seeing the rendering but he believes two parking spaces will have to be eliminated on Kildare for the entry way into the petitioner's parking lot. The petitioner explained that the entry way into the lot is the width of one car and he does not feel that he needs two parking spaces at that point. Dr. Omastiak said that the petitioner is gaining two spots inside his parking lot but losing two spaces outside of his proposed building. He said the outside parking spaces are typically used by patients going to Lawn Medical.

### ***Mr. Brian Jordan, 9540 S. Kildare, Oak Lawn, Illinois***

Mr. Jordan asked if an entrance and exit are required for the parking lot. The petitioner said that the entryway will be used as both an entrance and an exit. Mr. Jordan expressed concern with the parking on Kildare from 95<sup>th</sup> to 96<sup>th</sup> Street. He said very few people comply with the 2-hour parking window. He said he has concerns with parking on both sides of Kildare and said it has become like a parking garage. Mr. Jordan said his concern is that any new development will impact additional traffic. He said with the parking on Kildare it is hard to turn onto 95<sup>th</sup> Street due to visibility. He added that he is also concerned about the speeding in the area and he reiterated that the traffic has become an issue.

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The petitioner commented that the traffic comes from the Lawn Medical Center building. He said they have approximately 10 doctors at the practice and they should have at least 30 parking spaces but they only have 10 – 15 parking spaces. He said all of the traffic is coming from the medical practice. The petitioner said that the medical practice is bringing the traffic issues and that his building does not have any traffic concerns. Mr. Jordan said he knows that some of the medical staff are using the parking lot at St. Germaine. He said he applauds those people that are using the St. Germaine lot to park.

Commissioner Duhig commented that there are some streets in Oak Lawn where parking signs are erected on both sides of the street as residential parking only. He said that might be something to consider as a partial fix to the parking issues on Kildare.

***Ms. Kathryn Bielik, 4233 West 95<sup>th</sup> Street, Oak Lawn, Illinois.***

Dr. Bielik asked for clarification of the Special Use permit request. She said she understands the parking requirement of two parking spaces for each apartment unit. Commissioner Piazza responded that the petitioner needs 9 variations for yard, area, width, lot width, lot coverage and parking lot landscaping. Mr. McGuinness added that the property is zoned R-3 Multi-Family and the building was built before the zoning ordinance was enacted. He said currently the property has an office with a residential use but that it is currently zoned as an R-3 zoning. He said with the redevelopment the petitioner has to apply for a Special Use permit for having an office in an R-3 Multi-family district. Mr. McGuinness said typically only multi-family buildings are permitted in an R-3 zoning. Mr. McGuinness explained that the petitioner needs a Special Use permit for an Office Use in an R-3 Multi-Family Residential district. Dr. Bielik asked about parking requirements for the office. Mr. McGuinness said for every 200 square feet of office space there is a requirement for 1 parking space. He said the office is 1,000 square feet and would require 5 parking spaces and for each apartment unit 2 parking spaces are required. He said that is a total of 23 parking spaces.

***Dr. Emile Ilarde, 4301 West 95<sup>th</sup> Street, Oak Lawn, Illinois.***

Dr. Ilarde had a question about the handicap parking space. She said that she has concerns that a handicap parking person would have to reverse to get out of the parking lot and she feels there is not enough room to back out of that lot. Dr. Ilarde also commented that there are 9 physicians, not 10 physicians, and that they are not all there at the same time. She commented that some of the doctors park at the hospital and walk over and that they ask their staff to park at St. Germaine. She said the surrounding public parking areas are used for their patients.

***The Public Hearing closed at 8:29 p.m.***

***A motion was made by Commissioner Zumhagen to approve Pet. #2020-31-Request for a Special Use Permit for Office Use in an R-3 District and Structure and Setback Variations at 4245 W. 95<sup>th</sup> St., Patrick McFowler, Petitioner. The motion was seconded by Commissioner Moriarty.***

Roll call: Zumhagen, yes; Piazza, yes; Paruta, yes; Moriarty, yes; Duhig, no; Bennett, no.

Motion to approve passes: 4-2-0.

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**V. OTHER BUSINESS:**

A.) Chairman:

*Commissioner Piazza asked staff if the Election of Chairman for 2021 will be on the next agenda. Commissioner Bennett said he will not be at the next meeting. Mr. McGuinness will put the Election of Chairman on the next agenda and if the Commissioners decide to table the vote it will be placed on the first meeting in January.*

B.) Members: *None.*

C.) Staff: *None.*

**VI. ADJOURNMENT:**

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

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned 8:33 p.m.