

**VILLAGE OF OAK LAWN**  
**ZONING & PLANNING COMMISSION**  
**Village Hall Auditorium 2<sup>nd</sup> Floor**

Monday, June 15, 2020  
*Meeting Minutes #2020-5*

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

**A. Chairman:** Rich Piazza

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

**C. Staff:** Kevin Casey, P&DC Attorney  
Kevin McGuinness, Village Planner  
Dee Adasiak, Recording Secretary

**II. PLEDGE OF ALLEGIANCE:**

*The Pledge of Allegiance was led by Chairman Piazza.*

**III. APPROVAL OF PRIOR MEETING MINUTES:**

*A motion to approve the Regular Meeting Minutes #2020-4 dated June 1, 2020 was made by Commissioner Duhig and seconded by Commissioner Zumhagen.*

Roll call: Zumhagen, yes; Piazza, yes; Paruta, yes; Lundy, yes; Duhig, yes.

Motion to approve passes: 5-0-0.

*The Oath was administered by Commissioner Piazza.*

*The Public Hearing opened at 7:31 p.m.*

**IV. PUBLIC HEARING:**

**A.) Pet. #2020-10 – Amendment of Title 4, Chapter 14 and Chapter 6 for Special Use Treatment for Medical Office Facilities, Village of Oak Lawn, petitioner**

Village Counsel explained that the Village Board of Trustees asked for a review in “tightening up” medical uses coming onto 95<sup>th</sup> Street. He expressed that a concern was raised about people “chopping up” storefronts to get under the 6,000 square feet special use requirement. Village Counsel said the amendment proposes that a medical use in excess of four thousand (4,000) square feet on 95<sup>th</sup> Street will require a special use permit.

Commissioner Duhig asked why Southwest Highway cannot be included in the requirement for a Special Use permit. Village Counsel expressed that medical uses have been encouraged to go onto Southwest Highway to revitalize that area. Village Counsel explained that medical use on Southwest Highway are permitted by right and a Special Use permit is not required. Mr. McGuinness explained to Commissioner Duhig that if we include Southwest Highway to the Amendment then there would be restrictions for medical uses on Southwest Highway. Mr. McGuinness reiterated that medical uses on Southwest Highway are allowed by right.

Commissioner Duhig asked if the square footage requirement includes parking. Village Counsel responded that it does not and explained that the square footage would include only the interior footprint of the building. Village Counsel added that all parking regulations/requirements would remain in effect.

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Commissioner Duhig asked if “growing rooms” are allowed. Village Counsel asked Commissioner Duhig if he was referring to growing marijuana. Commissioner Duhig responded yes. Village Counsel explained that a cultivation center would not be allowed. He said he would have to review the State statute. Mr. McGuinness added that cultivations require a Special Use permit. Commissioner Duhig asked about liquor licenses and whether there would be a stipulation added as it relates to growing centers. Village Counsel responded that liquor is completely different as far as regulatory restrictions.

Village Counsel stated that the proposed Amendment allows the Board of Trustees to steer medical providers where appropriate either onto 95<sup>th</sup> Street or away from 95<sup>th</sup> Street. Village Counsel said the proposed amendment adds another layer of oversight.

Commissioner Duhig asked about taxation. Village Counsel responded that you cannot tax occupational uses. Commissioner Duhig asked about the allocation of taxes that can be charged for cannabis dispensaries. Village Counsel responded that that is beyond what we are here to discuss today. Village Counsel said that the taxation of marijuana cultivation is dictated by state statute. Commissioner Duhig expressed concern about the Village may not receive its fair share. Commissioner Zumhagen stated that an empty storefront does not do anyone any good. He said in having a medical use you may be bringing people into town to visit our restaurants. Commissioner Zumhagen said he is not saying that he wants 95<sup>th</sup> Street inundated with medical uses. Village Counsel asked the Commissioners to please stay on topic on hand.

Commissioner Zumhagen asked for clarification that the *only* change in the Ordinance is the gross square footage from 6,000 to 4,000 square feet. Village Counsel responded yes. Commissioner Zumhagen said he appreciates that this was brought to the attention of the Board.

Commissioner Lundy mentioned that he reached out to his District Trustee whom was unaware of this proposed Amendment. Village Counsel apologized for the wording of the memo that included the Board of Trustees as a whole. He mentioned that he was approached by one Trustee whom alluded that the Board had concerns about the size regulations. Commissioner Lundy said he understands that 2,000 square feet is a big difference and he asked what the concern is for the change. Village Counsel said the big concern is that potential providers want to “slice and splice” storefronts. Village Counsel reiterated that all this comes down to is whether the Village has more of a say on who is using 95<sup>th</sup> Street and Cicero Avenue. He expressed that it is not stating that medical uses are not allowed, rather it is another layer of oversight and control to avoid one giant medical corridor. Commissioner Lundy said he would rather see the empty buildings filled and he feels businesses are going to go where they want to go and the Village will not be able to direct the medical facilities to go to Southwest Highway. He said in turn, these medical facilities will then choose Evergreen Park. Commissioner Zumhagen said this will enforce a greater degree of transparency. Commissioner Lundy commented that he does not see a demand of retail as he feels “retail is dead”. Village Counsel said he does not know what level of demand is out there for medical providers under 6,000 square feet. He said if there is a current concern or a foresight of a potential issue down the road this is why this is being drafted. Commissioner Lundy said he agrees with the proposed amendment but his problem is that one Trustee came up with this while his Trustee did not know about it and he feels that there is misinformation. Village Counsel apologized for the way the Memo is read and reminded Commissioner Lundy that this will go before the Board of Trustees at the next meeting and it may not pass. He stated that this Amendment had to go before Zoning & Planning because it is a zoning change. Village Counsel said he was asked in open session a while ago about the footprint of medical uses and the

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instruction was given to the attorneys to review. He stated that this is the proper forum for the Public Hearing to be held and that is what we are doing. Commissioner Lundy asked how the 4,000 square footage number was vetted and whether research was done on other communities. He asked how the number was determined. Commissioner Piazza asked if we can get clarity on that. Village Counsel suggested that the Commissioners reach out to their Village Trustee. Commissioner Lundy expressed that he remembers the discussion of the 95<sup>th</sup> St. Corridor and said we cannot force businesses to go elsewhere. Commissioner Piazza said we are not forcing businesses. Village Counsel restated that the Village is not forcing anyone to do anything. He said as an example, if a 450 square feet provider wants to locate on 95<sup>th</sup> Street the only extra step is to go before the Zoning & Planning Commission.

***The Public Hearing closed at 7:50 p.m.***

***A motion was made by Commissioner Paruta to approve Pet. #2020-10-Amendment of Title 4, Chapter 14 and Chapter 6 for Special Use Treatment for Medical Office Facilities, Village of Oak Lawn, Petitioner. The motion was seconded by Commissioner Zumhagen.***

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

Motion to approve passes: 4-1-0.

**V. OTHER BUSINESS:**

A.) Chairman:

*None.*

B.) Members:

*Commissioner Lundy asked if the A&W Restaurant is still planning to take over at Huntington Bank. Staff commented that they have not heard anything. Village Counsel commented that a lot of things are not moving right now. The Commissioners also asked about the car wash on Cicero Avenue and the Dunkin Donuts on Museum Drive. Mr. McGuinness said the last he heard about the Car Wash was that the status was pending due to IDOT paperwork. Village Counsel said the Dunkin Donuts is waiting on the road to be finished. Mr. McGuinness said that the road is finished but the traffic signal is not scheduled to be finished until 2022 as Metra is currently updating their detection equipment. Commissioner Piazza said there were three different inquiries on the status of businesses opening and asked how the Commission can receive updates/information. Village Counsel said it would be best to reach out to the Village Trustees or Chief Palmer.*

C.) Staff:

*None.*

**VI. ADJOURNMENT:**

***A motion to adjourn was made by Commissioner Lundy and seconded by Commissioner Paruta.***

Voice vote: All in favor, aye.

Motion carries.

***The meeting adjourned 7:53 p.m.***