

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium 2nd Floor
Monday, September 21, 2020
Meeting Minutes #2020-8

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: Tom Nelligan, Village Attorney
Kevin McGuinness, Village Planner
Deanne 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 #2020-7 dated August 17, 2020 was made by Commissioner Duhig and seconded by Commissioner Lundy.

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

Motion passes: 5-0-0.

The Oath was administered by Commissioner Piazza.

IV. PETITIONS:

A.) Pet. #2020-19 – Request for an Equal Side Yard and Side Yard Setback Variations at 6632 W. 91st Pl., SRZ Development Group, LLC, Petitioner

Mr. Sebastian Zaborski, 9205 Forest Edge Drive, Burr Ridge, Illinois

The petitioner explained his request to build a single-family home. He said that because of the triangle shape of the lot the proposed home will have unequal side yards. The petitioner said that there was a storm water service vacated but that the easement was never vacated. The petitioner explained that the proposed home will be 5.5 feet from the east side yard of the property.

Commissioner Lundy asked staff when a petitioner vacates the back of the property if the petitioner is required to purchase the land from the Village. Mr. McGuinness responded that the first petition on the equal side yards variance is being discussed and asked the Commissioners if they want to combine the first and second petitions for discussion.

A motion was made by Commissioner Zumhagen to combine Pet. #2020-19 and Pet. #2020-20 for discussion. The motion was seconded by Commissioner Paruta.

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

Motion passes: 5-0-0.

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B.) Pet. #2020-20 – Request for an Easement Variation at 6632 W. 91st Pl., SRZ Development Group, LLC, Petitioner

Mr. McGuinness explained that there is no dollar amount consideration to the Village for the acquisition of the subject vacation; he explained that an alley or street vacation would require a purchase amount due to the Village. Commissioner Zumhagen expressed that in this case this was always private property but the Village had access rights.

The petitioner explained that his plat of survey shows that he owns the property and the 20' setback for the easement. He said he is only asking to remove the easement since the storm water service has already been vacated. Commissioner Zumhagen commented that essentially the Village no longer has any authority to go on the property. Mr. McGuinness responded that is correct. Mr. McGuinness said the vacation request is a formality. Commissioner Lundy expressed that he was just making sure that down the road there would not be any issues if the petitioner sold the property. The petitioner said he is keeping the property for himself. He added that there is still a 10' utility easement at the rear of the lot that he does not plan to touch.

Commissioner Duhig asked about the trees on the property. The petitioner responded that he does not plan to remove the trees.

Commissioner Paruta asked the petitioner's neighbor if he has any concerns.

The Oath was administered by Commissioner Piazza.

Mr. Fred Mendoza, 6644 West 91st Place, Oak Lawn, Illinois.

Mr. Mendoza responded that he has no concerns.

Commissioner Zumhagen asked the neighbor if there are any flooding issues in the area. Mr. Mendoza responded that during a hard rain event, once or twice a year, there is some flooding. The petitioner commented that he will make sure there is proper drainage on the property.

Commissioner Piazza asked the petitioner about other homes he has constructed. The petitioner replied with the following list of homes that he has constructed: 6630 W. 91st Place, 5824 W. 89th St., 5820 W. 89th St., 9305 Meade, and 9301 Meade. The petitioner added that his father built 20+ homes in Oak Lawn.

Commissioner Piazza asked if the neighbor to the east of the property will be okay with the setback. The petitioner responded yes. The petitioner commented that he has a great relationship with his neighbor.

A motion was made by Commissioner Duhig to approve Pet. #2020-19 – Request for an Equal Side Yard and Side Yard Setback Variations at 6632 W. 91st Pl., SRZ Development Group, LLC petitioner. The motion was seconded by Commissioner Zumhagen.

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

Motion to approve passes: 5-0-0.

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A motion was made by Commissioner Lundy to approve Pet. #2020-20 – Request for an Easement Vacation at 6632 W. 91st Pl., ZRZ Development Group, LLC, Petitioner. The motion was seconded by Commissioner Paruta.

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

Motion to approve passes: 5-0-0.

A motion was made by Commissioner Lundy to advance Pet. #2020-17 and Pet. #2020-21 and to move Pet. #2020-13 as the last petition. The motion was seconded by Commissioner Zumhagen.

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

Motion passes.

V. PUBLIC HEARING:

The Oath was administered by Commissioner Lundy.

The Public Hearing opened at 7:47 p.m.

A.) Pet. #2020-17 – Request for a Special Use Permit for a Residential Use in a C-2 District and a Parking Variation at 9725 Southwest Hwy., Samera Zayyad, Petitioner

Mr. Nehad Zayyad, Attorney, 11555 S. Harlem Avenue, Suite C, Worth, Illinois.

Mr. Zayyad said he was speaking on behalf of Samera Zayyad. He indicated that the petitioner is seeking a Special Use permit to convert the property from a commercial building to a mixed use building. Mr. Zayyad indicated that currently the subject property is a 1-story commercial building with 3 storefronts. Mr. Zayyad said the petitioner wants to construct a second story addition in order to add two 2-bedroom apartments. The petitioner mentioned that currently two of the three storefronts are occupied. He said the petitioner has left one storefront vacant in the event that the petition is approved; he explained that the petitioner will use that unit to allow for a stairwell from the front and the back and whatever room is left that unit can also be used for an office. Mr. Zayyad said adding the two apartments on the second floor would allow the new property to become a mixed used building which would enhance the essential existence and characteristic of the building and the surrounding neighborhood. Mr. Zayyad mentioned the adjacent building that is already a mixed used building with storefronts on the bottom and two apartments on the top. Mr. Zayyad expressed that the proposed building would bring a type of conformity, the block would be more enhanced, and also give some privacy to the neighborhood.

Mr. Zayyad said that parking should not be an issue. He mentioned that there are 15 parking spaces at the rear of the property. Mr. Zayyad said one of the current commercial units has an interest in one of the proposed second story apartments. Mr. Zayyad said the building has both electrical and plumbing so it will only be a build out extending to the second story. Mr. Zayyad said they are looking to put two 3-bedroom apartments on the second floor.

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Mr. Zayyad mentioned the building next door is a dental office and that there are solar panels on that building. Mr. Zayyad said that the petitioner's architect said that there will not be any interference or blocking of those solar panels. Mr. Zayyad reiterated that the proposed building will bring a better appearance and the petitioner believes it will attract more business.

Commissioner Lundy pointed out that Mr. Zayyad mentioned 15 parking spaces but that the rendering only shows 10 parking spaces. Commissioner Lundy said that the rendering also shows two 2-bedroom apartments but that Mr. Zayyad stated that they are proposing two 3-bedroom apartments. Mr. Zayyad replied that he misspoke and said the petitioner is proposing two 2-bedroom apartments.

Commissioner Duhig asked if the apartment on the west side will have any view at all. The petitioner replied that there will be both a front and back view.

Commissioner Lundy commented again on the 10 parking spaces on the rendering although Mr. Zayyad stated 15 parking spaces. He asked if the parking calculations were based on the 10 parking spaces. The petitioner responded yes.

Commissioner Paruta asked the petitioner what types of businesses occupy the two storefronts and what the hours of operation are. Mr. Zayyad replied that there is a Real Estate office and a Tattoo Artist occupying the two storefronts and that the Realtor's business hours are 9 a.m. – 5 p.m. and the Tattoo Artist is by appointment only.

Commissioner Zumhagen expressed that in general he supports mixed use buildings. He said his concern is the solar panels on the adjacent building. He expressed that when looking at the property from a satellite image he feels there will be some obstruction to those panels. Commissioner Zumhagen showed Mr. Zayyad the rendering.

Ms. Halema Zayyad, 2 Wild Cherry Lane, Palos Park, Illinois

The petitioner said she had a preliminary discussion on the solar panels with her neighbor and that she will make any accommodations if there is an issue. She said that this is a preliminary discussion and that her architect did not believe there would be an issue. Commissioner Zumhagen said his concern is that he would not want the proposed addition to negatively impact the adjacent properties.

Mr. Richard Marshall, 9719 Southwest Highway, Oak Lawn, IL.

Mr. Marshall said he has lived in Oak Lawn for 33 years. He said that his dental office was once located in Evergreen Park and then Orland Park but that he relocated to Oak Lawn back in 1997. Mr. Marshall mentioned that his building was an unoccupied 3,000 sq. ft. building for a number of years. He said he improved the front and back of the property. He said he personally paid for the sidewalk repairs and he mentioned the flower pots that he has placed at the front of the property.

Mr. Marshall said he does have a good relationship with the petitioner and that his only objection is the potential obstruction of the solar panels. Mr. Marshall said he has a rendering showing the solar panels. Mr. Marshall said if this was happening to the north of him there would not be an issue but that all his solar panels face south and west. Mr. Marshall indicated that he uses GRNE Solar and he gets daily, monthly, and annual production reports of the solar energy used on his property. He said there are 67 solar panels on his roof. He said he has the receipt of the cost of the

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installation of the solar panels. He quoted the receipt dated October 2017 in the amount of \$48,161.00. Mr. Marshall mentioned that all the panels face southwest and are angled and lifted up to face the sun. He said the production is always better in the months of May through September as the sunlight is more direct. He said it then drops off in the winter season. Mr. Marshall said he is not sure about the comments from the petitioner's architect but that when he spoke to GRNE Solar they provided different data/information. (Mr. Marshall distributed copies of the data/information to the Commissioners). Mr. Marshall asked the petitioner how tall the building will be as that was one of the questions that GNRE asked.

Mr. Zayyad commented that this is a preliminary discussion and that is why they are here; he explained that they are trying to get a Special Use Permit but that they do not want to be a burden to their neighbors. Mr. Zayyad said that he understands Mr. Marshall's concern. He expressed that they would be happy to accommodate Mr. Marshall whether it be to allow for any obstructed panels to be relocated on the subject property. Mr. Zayyad said he does not know the height of the proposed building. The petitioner explained that they wanted to be sure that they were approved for a Special Use permit and so they did not calculate or start design at this point.

Mr. Marshall said that GNRE Solar showed three estimates based on the potential height of the proposed addition and how it would impact the solar panels: 1) a 16' addition to the building would reduce solar by 22%; 2) a 20' addition would reduce solar by 27%, and 3) a 24' addition would be a 31% reduction. Mr. Marshall said there are also penalties involved if the panels are not producing what they are supposed to produce. Mr. Marshall said each level higher up will impact his solar panels dramatically. Mr. Marshall gave Commissioner Duhig a brief summary on solar panels and the return of investment.

Mr. Steve Radice, 9446 Raymond Avenue, Oak Lawn, Illinois

Mr. Radice pointed out Mr. Zayyad's comments on the hours of operation for the Real Estate office and the Tattoo Artist. Mr. Radice said he looked online and the hours for the Tattoo Artist are listed 2:00 p.m. – 9:00 p.m. Wednesday through Sunday.

Ms. Katina Delenikas, 9752 Meade Avenue, Oak Lawn, Illinois

Ms. Delenikas said she lives behind the alley. She expressed that her concern is parking. Ms. Delenikas said that she does not have a driveway. She said that people park in front of her home all the time; she added that Mr. Marshall and his employees always park on Meade. She expressed that she understands that businesses need parking for their customers. She said at times cars block her garage. She expressed that there is not enough parking.

Mr. Radice it looks like 38 parking spaces would be required and there are only 10 parking spaces. He expressed that is a huge discrepancy. The petitioner asked why they would need 38 parking spaces.

Mr. McGuinness read a letter from the owners of the FYZICAL business.

(See Attachment A)

Commissioner Zumhagen asked Village Counsel if a stipulation can be added to the motion that the solar panels would *not* be impacted and that whatever is worked out between the two parties is

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entirely between them. Village Counsel said that issue should be between the two parties as opposed to binding it to the Village of Oak Lawn. Commissioner Zumhagen said he would support the motion if the solar panels are not negatively impacted.

Mr. Zayyad recapped the petitioner's request of the Special Use permit. He commented that if you were to drive past the subject property on any given day there are no parking issues. Mr. Marshall commented that he agrees. Mr. Zayyad reiterated that the petitioner is willing to accommodate any impact on the solar panels.

Mr. Radice commented that currently there might not be any parking concerns but if the business use changes even with adding only 1 or 2 additional employees it will impact parking. Mr. McGuinness commented that the apartments bring the parking requirement from 34 to 38 or a 70% variance. Mr. McGuinness said that is a typical variance for many businesses along Southwest Highway so the subject property is not unique as far as the requested parking variation. He said if you calculated all the businesses along 95th Street, Cicero, and Southwest Highway you might get 73%-99% parking variances. He expressed that is a fact.

The Public Hearing closed at 8:27 p.m.

A motion was made by Commissioner Duhig to deny Pet. #. #2020-17 – Request for a Special Use Permit for a Residential Use in a C-2 District and a Parking Variation at 9725 Southwest Hwy., Samera Zayyad, Petitioner

Motion fails for lack of a second.

Commissioner Lundy commented that they cannot approve what they do not know. He said he understands that this is preliminary but there is an impact of parking on the neighborhood and there is an impact to the neighbor. He expressed the importance of providing paperwork that shows a rendering of the building, the proposed height, and other pertinent information.

A motion was made by Commissioner Lundy to continue Pet. #2020-17 – Request for a Special Use Permit for a Residential Use in a C-2 District and a Parking Variation at 9725 Southwest Hwy., Samera Zayyad, Petitioner. Commissioner Lundy said the petitioner should bring in specifications of what the building will be. The motion was seconded by Commissioner Zumhagen.

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

Motion to continue passes: 5-0-0.

The Oath was administered by Chairman Piazza.

The Public Hearing opened at 8:33 p.m.

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B.) Pet. #2020-21 – Request for a Special Use Permit for a Parking Lot in an R-1 District with a 1 Foot Fence height, Fence Material, and 9 Foot Setback Variations at 9412 S. Ridgeland Ave., Daniel Miletic, Petitioner

Ms. Casey Meszaros, Project Engineer, Manhard Consulting, 116 W. Illinois, Chicago, Illinois

Ms. Meszaros explained that the school is having an overflow issue especially during larger events. She said the issue actually causes the students and parents to park at the mall and cross a busy street. She said the school is requesting a special use permit at the corner parcels to create a parking lot. She said the parking lot would be made up of permeable pavers that would also provide storm water detention above and beyond what is required by the Village and MWRD. Ms. Meszaros explained that the pavers will also add character in comparison to a standard parking lot. She said the parking lot would close two existing curb cuts along Ridgeland Avenue and that they plan to also replace the old sidewalks that surround the parking lot and they feel it will be a nice improvement for the community. She indicated that screening will be provided with board on board fence which will match the existing character of the neighborhood. Ms. Meszaros said perimeter and interior landscaping will be added for beautification to the parking lot. She expressed that the school is dedicated to maintaining the property to keep it looking nice.

Commissioner Zumhagen commented on the access of the parking lot off of 94th Street that shows curb cut access to the east and west. He expressed his concern is traffic going into the residential area.

Mr. David Miller, 6429 West 94th Street, Oak Lawn, Illinois

Mr. Miller said if there is parking at the end of the block then people will be walking through the residential area. He asked if there is additional land the school owns behind where the turnaround is.

Mr. Douglas Ogarek, Ridgeland School District 122, 6500 West 95th Street, Oak Lawn, Illinois

Mr. Ogarek said there is very limited land. Ms. Meszaros added that there is only access from the parking lot and it will be behind 94th Street. Commissioner Zumhagen asked if the proposed parking lot would be used for teachers only and whether the students or parents would also be using the parking lot. Mr. Ogarek responded that the parking lot would be open for use for evening events. He said it would not be open on the days when there are no evening activities.

Commissioner Zumhagen said if a driver was not familiar with that area it might be challenging. He explained that when he took a ride in the area he was somewhat confused by the signs and the parking arrangement. Commissioner Zumhagen suggested adding a curb cut that directs traffic to the east to make it very clear to a driver that you can only enter and leave from the east. He said there is no reason to open a curb cut which would imply that you could turn right.

Commissioner Zumhagen said one of the variations is the material for the fence. He asked if there is a particular reason why the school wants a wood fence instead of a masonry screening. Ms. Meszaros said there is a 10' public easement for a sanitary sewer along the west property line that would not allow the school to erect any structure within that public easement. She said the board on board fence allows the school to provide the screening without placing a structure in that

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easement. She added that they are also trying to save a tree along the north property line and they believe a masonry wall would damage any existing root system compared to a fence. She said lastly they believe a board on board fence would match the character of the neighborhood better than a large masonry wall.

Commissioner Zumhagen recapped the idea of a traffic control measure so that traffic will only go to the west. Mr. Ogarek commented that is a good idea. Ms. Meszaros agreed and said they could also add signage.

Commissioner Lundy asked the petitioner to repeat why the school does not want to erect the masonry fence. The petitioner repeated the reasons including the public utility easement and the language for the easement per Village Code that prohibits structures. She said if they had to push the parking lot east in order to avoid the easement they would lose a lot of space that the school finds valuable. Commissioner Lundy commented that in the past a lot of businesses were requested to add masonry walls. Commissioner Zumhagen commented on the Village Ordinance. Mr. McGuinness said the Code does read that the screening should be masonry when it is a PK zoning and in this case it is a parking lot adjacent to residential. Mr. McGuinness added that the Village does not consider a masonry wall a structure in that sense. He said a structure would be something like a shed or a garage or another building. He said the Village could come in for a repair and would remove that structure and it would be the school's responsibility to replace. Mr. Zumhagen said you can build a parking lot over an easement. He said in this case it impedes the 10' transitional landscape yard so you would not want to push the parking lot any further. Commissioner Lundy said the school could put up a masonry fence. Mr. McGuinness said that is correct. Ms. Meszaros said she assumed that the masonry wall would have footings and therefore be a structure. Commissioner Lundy asked if they would be willing to erect a masonry fence. Commissioner Zumhagen pointed out the variation request for fence material. Mr. McGuinness said there are masonry walls in the Village that are on easements. He said he does not believe it is very common for the Village to have to remove a masonry wall. Mr. Ogarek asked in lieu of a brick by brick masonry fence if they could use a prefabricated masonry structure. Commissioner Lundy said the Code stipulates that it should be a masonry fence. Commissioner Zumhagen reminded the Commissioners that they have approved prefabricated fence material as recent as the car wash on Cicero Avenue. The petitioner is seeking a variation of fence material. Commissioner Zumhagen asked staff if the fence variation is approved whether it would go to the Architectural Review & Preservation Commission for review and approval. Mr. McGuinness replied that they can have that Committee review the fence material.

Commissioner Piazza asked what time evening activities conclude on average. Mr. Ogarek responded 8:00 p.m. or 9:00 p.m. Mr. Ogarek mentioned the Back to School Night or their annual Open Houses usually run from 6:00 p.m. to 8:00 p.m.

Commissioner Piazza asked if a variety of people would park in the lot. Mr. Ogarek replied yes. Commissioner Piazza pointed out that the setback is close to the street and wondered if there was a sight line issue. Ms. Meszaros explained that an ornamental fence would be on the west side for visibility. She added that landscaping on the property line is low. Commissioner Piazza asked if there are any issues with parking next to the apartment building. Mr. Ogarek responded that there are no issues. He explained that the school will closely monitor that area. He said that the school has been vocal with the Village of Oak Lawn and the Village of Chicago Ridge Police Departments about monitoring and observing the street parking along the south side of 94th Place.

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Mr. Miller said that no one has parked there in a while. He said when the school was open, the traffic was overwhelming. Mr. Miller said his concern is the amount of traffic around the houses. Mr. Ogarek expressed that he wishes the school could build for more parking; Mr. Ogarek mentioned that 5 years ago they added additional parking near CarMax. He explained that lot was a byproduct of doing the drive around. He said the purpose of the drive around was to get traffic off of 95th Street and Ridgeland Avenue not only for the student families but also for drivers travelling along 95th Street. He said when they did that project they asked their architect if they could maximize the parking on their land given the MWRD requirements and that is what they did. He said they cannot convert any more hard space as the school is at its limit. Mr. Miller asked about Party City; he said now that they are closing there is a huge lot directly behind that building. Mr. Ogarek said that would be ideal but the stars have to align for that to happen. He said that is something they would definitely consider as it is right next door to the school.

Commissioner Zumhagen mentioned that the rendering shows the fence enclosing the parking lot. Ms. Meszaros reminded Commissioner Zumhagen of the ornamental fencing along the east and south and said there are two 20' sections at each corner that show the board on board for the remaining west and north. Commissioner Zumhagen asked Kevin if the masonry requirement is only for the area that abuts the residential neighborhood. Mr. McGuinness said that is correct; he said the ornamental fence on the south and east is additional fencing.

The Public Hearing was closed at 8:56 p.m.

Mr. McGuinness commented on the 20' section off the southwest and northeast corners of the parking lot. He said there are two 20' sections continuing to the 4' ornamental fence. Ms. Meszaros said the school is willing to raise that ornamental fence to 5'. Mr. McGuinness said the fence meets the front yard of the houses along 94th Place and the side yard of the houses down Ridgeland which is why they chose that height. He said it is 1' variation as opposed to the 5' requirement.

A motion was made by Commissioner Zumhagen to approve Pet. #2020-21 – Request for a Special Use Permit for a Parking Lot in an R-1 District with a 1 Foot Fence Height, Fence Material, and 9 Foot Setback Variations at 9412 S. Ridgeland Ave., Daniel Miletic, Petitioner with the stipulation that the Special Use for the fence material that the fence not be a wood fence rather it would be masonry or pre-fabricated substitute wood material with review and approval by the Architectural Review & Preservation Commission. The motion was seconded by Commissioner Paruta.

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

Motion to approve passes: 5-0-0.

The Oath was administered by Chairman Piazza.

The Public Hearing opened at 9:07 p.m.

C.) Pet. #2020-13 – Request for Rezoning from R-1 to PK with Wall Height, Wall Material, and Transitional Landscape Yard Variations at 9512 S. Moody Ave., Akram Abdelal, Petitioner

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Mr. Akram Abedelal, 370 Hogan, Bolingbrook, Illinois

The petitioner explained his petition request for Rezoning in order to construct a new parking lot for his staff.

Commissioner Lundy commented that Code requires a masonry fence. The petitioner said the last time he was before the Commission the neighbors to the south of the property expressed that they preferred a fence. The petitioner said he is open either one.

Commissioner Zumhagen said in addition to the fence material variation the petitioner is looking for a height variation. He said he understands the property to the south has a slight hill. Commissioner Zumhagen asked if the height variation is the actual size of the fence or the distance from the ground to the top.

Mr. Bob Bohnak, Project Engineer, 8405 Radcliffe Road, Tinley Park, Illinois

Mr. Bohnak said coming from the sidewalk along Moody toward the west the property, the south property has a maximum elevation 3' higher than the existing grade on the subject property. He said the purpose of the fence height is to accommodate the elevation change and still provide screening to the parking lot. He explained that the height of the fence will drop after the retaining wall (where the property matches the existing grade). He said the 5' screening will continue to the entire length of the property. Commissioner Zumhagen asked if that was the issue discussed with the neighbor to the south. The petitioner said after the last meeting the residents at the south had expressed a request for a fence. Commissioner Zumhagen asked if the variance is to build a fence higher where the property is higher. Mr. Bohnak responded that is correct. He stated it would provide the 5' screening that would be required per code. Commissioner Zumhagen asked if the fence will be a uniform height along the southern border. Mr. Bohnak responded that the fence would be 5' higher relative to the contour of the property line. He said it would be 8' going to the top of the retaining wall and then where the retaining wall drops off toward the west, the fence would drop back down to the 5' height. Commissioner Zumhagen asked if that resident asked for it. The petitioner said the conversation was about adding a fence instead of a wall. Commissioner Zumhagen asked if there was discussion on the height. The petitioner replied no. The petitioner explained that they were taking the fence height into consideration. Mr. Bohnak said it was to accommodate the retaining wall. Commissioner Zumhagen summarized the petitioner's objective to pave the area, add the parking spaces, and build the wall on the south side and screening on the west side. He asked if there would be a wall on the west side of the parking lot. The petitioner explained that the requirement on the west side was to add landscaping. He said he updated plans and added additional landscaping based on the conversation Mr. McGuinness had with neighbors to the west. Commissioner Zumhagen asked the petitioner if he would be paving the alley to connect to the parking lot. Mr. Bohnak responded yes. Commissioner Zumhagen asked if access would be exclusively off of Moody Avenue. The petitioner replied yes. Commissioner Zumhagen said if someone were coming from the east if they would *not* be able to utilize the stop light on Melvina and cut through the parking lot to the north. The petitioner responded that the traffic is only one way.

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Commissioner Duhig expressed concerns of the egress and ingress of the proposed parking lot. He asked if the parking lot will be designed for employees. The petitioner showed the full plans to Commissioner Duhig and explained to Commissioner Duhig the plans for the proposed lot.

Mr. Aaron Corey, 9530 S. Moody Avenue, Oak Lawn, Illinois

Mr. Corey expressed that he only wants the property to be maintained. He said if the petitioner is approved he would prefer more privacy. He expressed that he does not have an opinion one way or another he only wants the property to be taken care of; he expressed that the previous owner impeccably took care of the property and it was very well maintained but of late the property is an eyesore. He said the grass is overgrown and the property has weeds, etc. He also expressed concern with lighting on the property. The petitioner replied that they took the lighting into consideration and that their engineer reviewed the lighting plans and it will not burden the neighborhood. Commissioner Piazza said he wants more information on the lighting and also asked about the landscaping plans. The petitioner said the plans are based on requirements of the Village; he showed the landscape plan to Commissioner Piazza.

Commissioner Piazza said he was in the area and noticed similar locations that are like the proposed parking lot; he said the following stores have a similar design: Buona Beef, Mattress Firm, Batteries Plus, Complete Vision Care, OSF (formerly Little Company of Mary), and the Car Wash on 95th St.

Commissioner Lundy stated again that a masonry wall is required by Code. He asked the resident to the south if he remembers the conversation about screening. Mr. Corey said he did have a conversation with the petitioner but that he was looking for something more substantial. He said his house is on an incline and he feels that a fence would provide more privacy. Commissioner Lundy said to Mr. McGuinness that the Village Code stipulates a 6' masonry fence. Commissioner Lundy said if he were a neighbor he would prefer a masonry fence. Mr. Corey said he was concerned about the height and a 6' masonry fence is different than an 8' cedar fence. Mr. Corey said for him, the extra 3' of an 8' cedar fence makes a big difference. The petitioner reiterated that a masonry wall would not give the resident much privacy. Mr. McGuinness said the fence would be approximately 5' higher from the edge of Mr. Corey's property. Mr. Bohnak said they are willing to do an 8' fence at Mr. Corey's property. Mr. Corey asked if the fence is the determining factor. Commissioner Zumhagen responded no. Mr. Corey said he was opting for an 8' fence as he would prefer the extra height. He commented that he would hope the fence would be maintained. Commissioner Zumhagen said one of the reasons that masonry fences are preferred when abutting a residential area is that it helps deflect sound.

Ms. Ella Burbank, 9525 S. Moody, Oak Lawn, Illinois

Ms. Burbank commented that when Crown Mortgage asked for a variance for the parking lot the masonry wall fit the community. She expressed that she does not agree with the rezoning. Ms. Burbank commented on the petitioner's large neon sign that shines throughout the neighborhood. She also mentioned the residential parking signs on her side of the street and the increased traffic. She said lately it seems to be a lot more traffic. She said she has lived at her property for 44 years and she can attest to the increased traffic as of late. Ms. Burbank also commented on the fence. She said in 3-5 years a wood fence will look run-down. Ms. Burbank said she does not want to look at a parking lot from her property. She said the alley may be a reasonable spot but feels

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strongly there is a reason for residential zoning in a community. She expressed that the residents are going to reorganize their lives because the petitioner wants an additional 18 parking spaces. She said the petitioner knew what he had when he purchased the building and he knew his client base. She said this is not new information and now the petitioner he wants to turn the residential space into what he wants.

Mr. Jim Smith, 9534 Moody, Oak Lawn, Illinois

Mr. Smith said he has lived at the property for 68 years. Mr. Smith said that everyone keeps saying the property address is 9512 S. Moody. Mr. Smith mentioned the auto dealer and Crown Mortgage and said there is an alley and another parking lot with a brick wall. He said that parking lot is 9516 Moody. Mr. Smith said he worked with Richard Mora for 20-30 years and also mentioned that the Gates Family used to live at the property and he believes their address was 9524 or 9526 Moody. He reiterated that the subject property address is not 9512 Moody. Mr. Smith said this is an impact of 2 or 3 lots into a residential area. He said he does not like the increased traffic and the increased speeding. He commented that the alleys are one-way but expressed frustration that the signs are so faded drivers cannot read the signs. He commented that he does not want any more traffic. He expressed safety concerns for the young children in the area.

Ms. Maureen Ehrlicher, 9529 S. Melvina, Oak Lawn, Illinois

Ms. Ehrlicher said she is behind the proposed parking lot. She said her backyard is open to the parking lot. She expressed frustration that she will not get a fence, a hedge, or an easement. Ms. Ehrlicher commented that the petitioner is going to pave an alley that has never been paved. She said kids play in the alley and people walk their dogs in that area. She expressed that no one wants anyone using that alley. Ms. Ehrlicher commented on the lights in the parking lot and said you cannot tell her that the lights will not flash into her yard because the neon sign already flashes into her kids' bedroom windows. She said to the petitioner that *he said he would never do that*. She told the petitioner that he said a lot of things he would never do and she feels he has no respect for any of the neighbors. She said the only time the petitioner was nice to the residents in the area was the last few months because he wants to construct the parking lot. She commented on the blocking of cars in front of her home and she feels that an additional 18 parking spaces will not make a difference. Ms. Ehrlicher commented on the number of patients and employees compared to the number of parking spaces. Ms. Ehrlicher said that nowhere on 95th Street does a rezoning get that far into a residential area. She said the Mayor's business goes far but only 100 feet. She said this is residential and it should remain residential. Ms. Ehrlicher commented on snow and asked where the snow will go in the winter. She also commented on the conditions of the lot and all the dead weeds.

Mr. Bill Tallon, 9554 S. Moody, Oak Lawn, Illinois

Mr. Tallon said he and his wife finally decided that they may move next year but are considering keeping their property for their children. He said he has been talking to a real estate agent and every time he turns around he finds that his property is being devalued. He said the alley has been nothing but grass and he is concerned about traffic through the alley. He asked where the snow will be plowed to; Mr. Tallon said there is no consideration to the neighbors. He commented on the lighting in the parking lot. Mr. Tallon said he is very concerned and he is embarrassed to tell people where he lives.

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Mr. Jason Ehrlicher, 9529 S. Melvina, Oak Lawn, Illinois

Mr. Ehrlicher distributed highlighted copies of the last petition hearing for the subject property. Mr. Ehrlicher summarized key points of the meeting when the petitioner first started his business and moved into the former Walgreens. He said if you look at the highlighted sections the petitioner was specifically asked about parking, about a sign, and about street signs being placed. Mr. Ehrlicher expressed that the petitioner has not abided by what he had agreed to do; He said at that time he had the residents' support because of what he promised. Mr. Ehrlicher also mentioned that the petitioner said he would only have 15 employees and 6 patients per hour.

Mr. Ehrlicher said as far as any signs the petitioner did nothing. Mr. Ehrlicher explained that he worked with the Village for a year and half to make sure the signs were placed. Mr. Ehrlicher said he cannot get into his driveway nor can he retrieve his mail. He added that his kids cannot park in front of their home. Mr. Ehrlicher said both the employees and the doctor's patients are parking in front of his home. Mr. Ehrlicher said it has been discussed many times for the employees and patients to park where the 2 hour parking signs are posted. Mr. Ehrlicher acknowledged that the residents had welcomed the petitioner into the area but it was probably the biggest mistake they made at that time. Mr. Ehrlicher pointed out the meeting minutes where the petitioner said he would never have a flashing sign. He said in 2018 the petitioner added the flashing sign. Mr. Ehrlicher said the sign is on all night long. Mr. Ehrlicher showed a picture of his daughter's bedroom window and said he had to purchase room darkening shades so she can sleep at night. Mr. Ehrlicher said after the business closes he is not sure why the petitioner has to keep the sign so bright. Mr. Ehrlicher referenced Commissioner Piazza's comments about similar businesses that have the same set up; he said there is no other business surrounded by a commercial building, a parking lot, and another parking lot.

Mr. Ehrlicher showed a rendering of the alley way. He commented on how close the lot is to his garage. He showed that the egress will impact his residence. He said he measured the opening and shows it is 19'6" between the lot and his garage and said that there is also a utility pole which comes out another 6". Mr. Ehrlicher expressed that nothing is protecting him and he feels he needs a gate to go out the back. He also showed a rendering of the sticks and weeds on the property. He expressed that the petitioner will not maintain the new area as he has been there for five years and this is what it looks like right now.

Mr. Ehrlicher commented on rezoning rules. He mentioned Crown Mortgage's two parcels and with the proposed parking lot it will exceed 100 feet. He also said he had a market analysis done on his house and the property value has dropped \$30,000. Mr. Ehrlicher expressed to the Commissioners that the petitioner needs to stay in the commercial area.

Ms. Natasha Ehrlicher, 9529 S. Melvina, Oak Lawn, Illinois

Ms. Ehrlicher commented on privacy. She said she feels it is odd to step out of her house to look directly into the business windows. She said a lot of other businesses do not have large windows. She expressed that people can see her family inside their home. She expressed she does not see how privacy will be maintained at the back as it is not maintained now at the front. She expressed that it was never a consideration.

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The petitioner expressed that a lot of things have been said and that there is too much to answer. He commented that for a year and half he maintained both parking lots. He said when Mr. Ehrlicher came to him he suggested that he go to the Village for the parking signs. He referenced Mr. Ehrlicher's comments that he lied. He expressed that he wants to be a good neighbor and that he takes everything into consideration. The petitioner mentioned that at one time he was going to purchase the lot that is now Buona Beef. He said the Village asked him to step back in order to allow Buona Beef to come in. He also mentioned the other lot that he wanted to purchase. He said Mayor Bury recently acquired that lot and he was given one day notice to leave the lot. He said Mayor Bury did ask about a parking lot agreement but has not replied to any of his communications. The petitioner said he is always looking for more options. He expressed that they are trying to do what they can. The petitioner mentioned an incident when Mr. Ehrlicher pounded on his window and scared the patients. The petitioner said he always takes the residents' concerns back to the doctor.

Ms. Darlene Bartlett, 9520 S. Melvina, Oak Lawn, Illinois

Ms. Bartlett said she was reviewing the zoning laws and wondered about a buffer zone for the parking lot. She mentioned that the fence is on the alley but that the alley will be used for ingress and egress. She said she understood that residential and commercial or parking areas must have a buffer zone. She said in this case the buffer zone is the alley. Ms. Bartlett said she does not get a wall or privacy and said the current wall is only 4' in height. Ms. Bartlett said to have an entrance and exit onto Mason is a different story. Ms. Bartlett pointed out that if you were to stand in that area, there is not enough room. She said in icy conditions a car can hit a resident's fence or garage. Ms. Bartlett said an alley is supposed to be a secondary means of an access and in this case this the alley would be the main access.

The petitioner said the parking lot will be parking for employees only. He said they will only park in the morning and will leave at the end of their shifts.

The Public Hearing was closed at 10:11 p.m.

A motion was made by Commissioner Lundy to deny Pet. #2020-13 – Request for Rezoning from R-1 to PK with Wall Height, Wall Material, and Transitional Landscape Yard Variations at 9512 S. Moody Ave., Akram Abedelal, Petitioner. The motion was seconded by Commissioner Paruta.

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

Motion to deny passes: 5-0-0.

VI. OTHER BUSINESS:

A.) Chairman: *None.*

B.) Members:

Commissioner Zumhagen mentioned his comments brought up in Other Business at the last meeting. He said he referenced a basement violation at 9700 Kenton. He said the date of the violation pre-dated the Zoning meeting and there was no subsequent violation. He expressed that he misspoke at the last meeting.

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C.) Staff: *None.*

VII. ADJOURNMENT:

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

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned 10:15 p.m.

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ATTACHMENT A

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FYZICAL | Oak Lawn
P (708) 499-4497
F (708) 499-4597
oaklawn@fyzical.com

September 21, 2020

Dear Village of Oak Lawn Planning Commissioners:

We are writing regarding the proposed parking variation set forth from the owners at 9725 Southwest Highway. We own the property just south at 9733-35, and run an outpatient physical therapy office, FYZICAL Therapy and Balance Centers. We have been owners since 1999.

From our understanding, the current ownership of the 9725 address is looking to add apartments to their currently held property consisting of 3 storefront units. It is our understanding that if all businesses are filled and apartments are occupied, this will bring in a high demand for parking, both in their current parking lot and on the street parking on Southwest Highway. The business north of us is an automobile based business, which is often times at capacity in the current parking lot, and uses street parking. The barber business adjacent also has a steady stream of customers who utilize Southwest Highway spaces. Our practice sees patients who park in front on Southwest Highway and in our parking lot.

Our opposition to the proposal is rooted in the fact that there will be a potential of 10-12 vehicles that will need parking accommodation to an already crowded situation depending upon the time of day. Our clients often need to be accommodated with ambulatory equipment and parking that is close to the building as clients are usually physically challenged. We do not support the addition of housing accompanying parking variance to our block and would discourage the Commission from approving this request. Thank you for listening.

Kind regards,

*George Cachares, PTMS
Thomas Kolacki, PT
Owners 9733-35 Southwest Highway*