

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, October 4, 2021
Meeting Minutes #2021-11

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

- A. Chairman: Vernon Zumhagen
- B. Members: Dave Bennett Pina Paruta
Tom Duhig Rich Piazza
Bill Lundy Vernon Zumhagen
Mike Moriarty
- C. Staff: Kevin McGuinness, Village Planner
Kevin Casey, Village Attorney
Deanne Adasiak, Recording Secretary

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Commissioner Zumhagen.

III. APPROVAL OF PRIOR MEETING MINUTES:

A motion to approve the Regular Meeting Minutes #2021-10 dated September 20, 2021 was made by Commissioner Moriarty and seconded by Commissioner Paruta.

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

Motion to approve passes: 7-0-0.

The Oath was administered by Commissioner Zumhagen.

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

IV. PUBLIC HEARING:

A.) Pet. #2021-23- Request for a Parking Variation at 4040 W. 111th St., Richard Wagner, Petitioner

The Petitioner was not present.

Mr. Brendan O'Brien, Reilly's Daughter, 4010 West 111th Street, Oak Lawn, IL.

Mr. O'Brien commented that Reilly's Daughter has been a part of Oak Lawn for over 35 years. He mentioned that Reilly's Daughter first opened at Ranch Manor in 1974 and then reopened in 2015. Mr. O'Brien expressed concern about Ranch Manor's parking problems. He mentioned that in the last six weeks, his bar alone had nearly 80% of the parking lot filled for a fundraiser for a fallen police officer.

Mr. O'Brien expressed concern about the subject Parking Variation requirement for Hog Wild's banquet room. He believes that with the addition of Birdies and the subsequent opening of Hog Wild, the lot has become landlocked. Mr. O'Brien stated that he was initially told that Birdies

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would be a golf simulator destination and Hog Wild would be primarily carry out. He stated that Birdies has now evolved into a full-fledged bar with golf simulators, and that they are currently in the process of adding a front patio. He stated that Birdies employs at least 40 people. Mr. O'Brien stated that his own bar can accommodate 300 patrons on the inside and 250 more on his outdoor patio. He expressed concern because the other businesses operate during the same hours. He reiterated that Hog Wild's carryout business has evolved into a sit-down restaurant, and they are now looking to add a party room.

Mr. O'Brien stated that there is no additional parking available in the immediate vicinity. He explained that the property is surrounded by residential streets and a large cemetery. Mr. O'Brien mentioned the millions of dollars he has spent on rent and taxes, as well as the number of fundraisers he has held for the community. He feels slighted as if this is the repayment he is receiving and that it will have a long-term negative impact on his business.

Commissioner Bennett expressed concern about the impact the new businesses have on the other businesses at that location.

Commissioner Zumhagen stated that both businesses initially stated that their hours of operation would not be late.

Commissioner Piazza stated that when he arrived at the property at 2:00 p.m. today, there were at least 66 cars in the parking lot. He stated that Birdies operates during the same hours as Reilly's Daughter.

Mr. O'Brien stated that he was initially told that Birdies would close at midnight, but that they are now open until 2:00 a.m. Mr. O'Brien expressed concern about some issues he has witnessed at the end of the night such as patrons sneaking beer out to the parking lot. He said none of the issues are discussed.

Mr. O'Brien mentioned that Hog Wild is not open yet, and that with their regular business and a potential party room, parking is not realistic.

Commissioner Piazza expressed concerns with the diagonal parking pattern for all the businesses as well as the bank area. Mr. O'Brien said that the center would actually lose parking spaces if they reconfigured the parking due to the L-shape.

Commissioner Duhig said the Hog Wild in Midlothian has a very big carryout business.

Commissioner Lundy asked staff about Hog Wild's original concept. He said when they submitted their plans there was no discussion of a party room. He said this is now a second plan. Commissioner Lundy told Mr. O'Brien his problem is with the landlord, not the Village of Oak Lawn.

Mr. O'Brien stated that his landlord informed him that Birdies would be a golf simulator business. Patrons would come and go with golf, he said. Birdies, he said, is a large bar with 16 televisions. He stated that parking is not a viable option for them.

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Commissioner Lundy asked Mr. O'Brien if he spoke to the landlord. Mr. O'Brien responded that he spoke to the landlord multiple times. Mr. O'Brien said the landlord said that having these additional businesses was his solution to the high taxes.

Commissioner Lundy asked whether the lease imposes any restrictions on the tenants. Mr. O'Brien stated that Niko's Breakfast Club has a no-compete clause and that other tenants are not permitted to serve breakfast. He mentioned that Birdie's now serves breakfast. Mr. O'Brien said he never considered that a second liquor license would be granted 10' away from another liquor establishment. Mr. O'Brien said Reilly's and Birdies are the two biggest bars in Oak Lawn and they are less than 10' feet away from each other.

If this variance is granted, Commissioner Lundy believes Hog Wild will use the party room for restaurant seating overflow. Commissioner Lundy expressed concern about the variances, stating that the Board has no control over the changes that occur.

The Public Hearing closed at 7:53 p.m.

A motion was made by Commissioner Bennett to deny Pet. #2021-23- Request for a Parking Variation at 4040 W. 111th St., Richard Wagner, Petitioner; the motion was seconded by Commissioner Duhig.

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

Motion to deny passes: 7-0.

V. OTHER BUSINESS:

A.) Chairman: *None.*

B.) Members:

Commissioner Bennett expressed concerns of the content on the electronic billboard at 103rd and Cicero. He said there is an advertisement to "LEAVE ILLINOIS". Village Counsel explained that government cannot regulate speech.

Commissioner Piazza expressed concern about the changes that businesses make after variances are granted, specifically at this time, the changing of business hours. He asked if those businesses have to go before any Board regarding that type of change. Deanne commented that a business can make changes to their hours without any approval by the Village. She said Village Ordinances do not pose any restrictions on business hours. Village Counsel said he is not sure Birdies is selling liquor at 7AM in the morning. Deanne said that their liquor license allows for liquor sales from 7AM – 2AM Monday through Saturday. Commissioner Lundy said it does not seem right for these businesses to make changes especially when they take an Oath. Village Counsel said this has been talked about before; he said this Commission can put a condition on a motion as long as it is within the boundaries of what is being requested. He said if you want a condition that someone will agree with then you have to make it a condition in the motion so that it goes into the Ordinance. Commissioner Lundy said he feels that the petitioners should be tied to the Oath. Village Counsel said it is not a perjury charge as it goes toward the weight of the vote. He said you would have to prove that they lied under Oath and prove that this Commission relied upon a petitioner's statement

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with the Oath as the primary basis for the Commission’s decision and that you would have never approved what you are approving. He said that would be the hurdle you would establish. Commissioner Zumhagen suggested that this Commission “tighten this up in the future” and said “we will have to do a lot more than just a yes approval”. Village Counsel reminded the Commissioners that they are a recommending body. He explained that you can recommend that you want to put a contingency on everything and if you use them too often you run into a risk of the Village Board of Trustees saying that they are not approving petitions with a contingency, take them out. Village Counsel suggested the Commissioners have discussions with the District Trustees. He also suggested that if there is a concern of hours of liquor licenses, you have to discuss that issue with the Mayor. Commissioner Zumhagen said in this specific case there was extensive conversation where Birdies and Hog Wild both discussed their hours of operation and commented that they were offsetting their hours to the other businesses to mitigate parking issues.

Village Counsel said he understands Mr. O’Brien’s concerns. He said he knows Birdies just opened last week but there could be a lot of conjecture in saying that there are going to be issues. He said on the other hand Mr. O’Brien can be 100% correct. He said if it becomes a public safety issue then that is a whole different concern for the owner of the facility.

Village Counsel said this reminds him of the Buona Beef petition and the discussion of putting calming measures in the area before the restaurant even opened. He said 6 months had passed after Buona’s opening and the concerns of safety did not come to fruition.

C.) Staff: *None.*

VI. ADJOURNMENT:

A motion to adjourn was made by Commissioner Duhig and seconded by Commissioner Moriarty.

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned 8:09 p.m.