

**VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION**

Village Hall Auditorium
Monday, March 15, 2021
Meeting Minutes #2021-2

I. ROLL CALL: Meeting called to order at 7:31 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

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 #2021-1 dated January 4, 2021 was made by Commissioner Duhig and seconded by Commissioner Piazza.

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

Motion passes: 6-0-1.

The Oath was administered by Commissioner Zumhagen.

The Public Hearing opened at 7:33 p.m.

IV. PUBLIC HEARING:

A.) Pet. #2021-1 – Request for a Parking Variation at 9320 S. Kenton Ave., Ryan Gory, Petitioner

Mr. Ryan Gory, Oak Lawn Park District, 9320 S. Kenton, Oak Lawn, Illinois.

The petitioner gave a brief history of the subject property. He explained that when the Ice Arena was built in 1994, in order to satisfy parking requirements, the Park district identified spaces to the west of the ice arena and west of the soccer field and that was included in the overall parking calculations for the building. He said since that time they have not used *any* of those parking spaces nor have they used the parking area to the south of the Park District property between the Administration Building and the Ice Arena for any patron parking. The petitioner indicated that the Park District is seeking a variance and reiterated that that they have not used the property and that they are able to confine most of the parking to their lot to allow better use of the property.

Commissioner Bennett asked if the land is being donated. The petitioner responded that is correct. Commissioner Bennett asked if the land is free. The petitioner replied that there will be a donation on behalf of the land. Commissioner Bennett asked how much; the petitioner responded \$1.1

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million. Commissioner Bennett asked if the land was put up for sale publicly or was it only transacted with the Mancari car dealership. Village Counsel stated the land is being donated to the Village. Commissioner Bennett asked what the Village will do with the land. Village Counsel responded that he does not know yet. Commissioner Bennett asked why the land is going to be donated to the Village if the Village does not know what they want to do with the land. Village Counsel explained that he has not been part of the discussion and does not know the particulars but he does know that the Village is interested in purchasing the land for future development. Commissioner Zumhagen expressed that the petition before the Commission is about a parking variation and the particulars of the land swap were discussed at a prior Village Board meeting. He said the meeting minutes are available on the Village's website. Commissioner Bennett asked if a structure will be built on the soccer field. The petitioner responded that it is not relevant to the parking variation. Commissioner Zumhagen said it appears that the land will be an expansion for Mancari and those plans were included with the most recent Village Board meeting agenda and are available on the Village's website. Commissioner Bennett said if the soccer field is paved over he has concerns of water runoff. Commissioner Zumhagen said if the soccer field is paved over the property owner will have to comply with all MWRD specifications. Commissioner Zumhagen expressed that at this time the Park District is asking for a parking variation since their property will be resubdivided and donated and will eliminate the majority of the parking on their property. Commissioner Bennett expressed that his question is relevant because if the property is going to be paved over perhaps the Park District should not get the parking variation.

Commissioner Duhig asked about the land swap and the involvement of both the Village and Park District attorneys. Village Counsel responded that there have been ongoing discussions with all parties.

Commissioner Lundy pointed out that this is one of the largest parking variation requests that he has ever seen in the Village. He said he is sure the deal is probably good but it is a 91.42% parking variation. He asked the petitioner if he has concerns with families walking back and forth to the swimming pool or the drop offs at the Ice Arena. The petitioner said that during his time with the Park District and even well before his time there, Mancari has had use of almost all of the parking spaces. He mentioned that there is a perpetual easement for 54 parking spaces dedicated to the 4700 W. 95th Street building. The petitioner reiterated that the Park District is currently not using the subject land and they cannot use those parking spaces because Mancari has always used that area for their service vehicles, trade-in vehicles, and other vehicles. He said the Park District is not using the land at this time and they have never used it. The petitioner said he understands that it is a large variance but the land will not provide the Park District parking spaces to use today. Commissioner Lundy said his question was about the safety of children on the property; he asked the petitioner if he thinks there are any safety concerns. The petitioner said they are not changing the way they use the lot and they have not experienced any safety issues up to this point but if there was something they need to look at they certainly will. Commissioner Lundy asked Village Counsel about the land swap; he referenced Commissioner Bennett's comments about information that this Board is unaware of and he feels that additional information should have been part of the Commissioner's packets. Commissioner Lundy said he feels the land swap is pertinent to the discussion including the donation of \$1.1 million. Village Counsel replied that he does not have the specifics to the deal. Village Counsel stated that we are here to discuss a parking variation. He expressed that he understands the concerns and the questions being raised regarding the underlying issue but that was vetted at last week's Village Board of Trustees meeting. He said he is not taking lead on any aspect of the development agreement. Commissioner Lundy asked if the Park District

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is giving the Village \$1.1 million. Village Counsel commented that the Park District is receiving a donation of \$1.1 million. Commissioner Lundy asked who appraised the property. Village Counsel expressed again that he does not know that information. Commissioner Lundy asked if Mancari will pay real estate taxes on the property. Village Counsel replied that if the property is not owned by the Village then it is subject to real estate taxes so the answer is yes. Commissioner Lundy asked if Webb Chevy paid real estate taxes on the property. Village Counsel responded that he does not know; he said if it is Village or Park District property rented out to another individual or entity that is in the private sector, then the private entity is required to pay taxes for that property. Commissioner Lundy asked if the Park District has anything planned for the \$1.1 million donation. The petitioner responded that he does not know at this time and that is a question for the Park District Director or Park District Board.

Commissioner Piazza asked about the 54 parking spaces and whether Mancari parked on that property or if they moved cars back and forth. The petitioner responded that the 54 parking spaces are part of the dedicated easement for the 4700 building; he explained that when the Park District originally purchased the parcel back in the early 1990s, it came encumbered by a perpetual easement that stipulated that the Park District had to provide access and a certain number of parking stalls for the 4700 building. He said the parking stalls go along the south lot; he added that there is a square behind where the U-Haul used to be and that the property also includes parking directly north in front of the 4700 building. He said the double-aisle to the east of the old U-Haul property includes 54 dedicated spots for the 4700 building and that Mancari has had exclusive use. The petitioner said it is used primarily for service vehicles. Commissioner Piazza asked the petitioner if he feels that there are any safety concerns. The petitioner responded that they do not regularly have patrons or individuals coming to the facility that far south. Commissioner Piazza referenced the Ice Arena and the soccer field and asked if it is correct to say that the parking fluctuates depending on the season. The petitioner responded that is correct and said the large portion of the west parking lot is fenced in and he believes it is used for Mancari's staff parking. The petitioner added that the north section that is not fenced in is not used by the Park District. He said that from what he can tell from the original variance the area was identified and that the Park District could not use it for over flow parking. He stated again that the Park District has not used that area for parking. The petitioner said Mancari has used that area to park cars waiting to go out for trade-ins, etc.

Commissioner Paruta asked the petitioner if the Park District will have enough parking spaces after the parking variance is granted. The petitioner responded yes. He reiterated that the parking spaces have not been used by the Park District for many years; he said he has been with the Park District since 2006 and the agreements in place go back to 1994 or 1995. The petitioner mentioned that the Park District holds two large annual events including the Elward International Ice Hockey Tournament. He explained that the Park District enters into an agreement with St. Paul Church to accommodate parking. He added that many people that attend the tournament stay at the Hilton and so they park at the Hilton and walk to the Ice Arena for the event.

Mr. Larry Steponik, 9520 S. 50th Ct., Oak Lawn, Illinois.

Mr. Steponik commented that if the land will change hands why not have the acquiring entity request the variance. Commissioner Zumhagen said when the acquiring entity gets to a point to build on the property they will have to come before this Board. He explained that the parking

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variation request is specific to the operations at the Oak Lawn Ice Arena and the swimming pool both operated by the Park District which is why the Park District is requesting the variance.

Mr. John Moeller, 9901 S. Kolmar, Oak Lawn, IL.

Mr. Moeller expressed that he is the Pastor of St. Paul Lutheran Church. He said his question may not be an appropriate question for this group but he is going to ask it anyway; he said his concern is if Mancari turns the south side of 94th Street into a commercial use and asked if there would be access from the 94th side street side. Mr. Moeller said he understands this is not the topic of discussion but it is his concern and he wondered if anyone had an idea about it. Commissioner Zumhagen replied that it is an excellent question and suggested that Mr. Moeller contact the District 2 Trustee or look at the last Board meeting agenda packet as there are renderings of the proposed site plan.

Commissioner Bennett asked if there is any restricted parking on the street near the Ice Arena. The petitioner responded yes and said currently there is a 2 hour parking restriction. Commissioner Bennett asked as far as the Ice Arena how many parking spaces will be available after the land swap. The petitioner replied 143 parking spaces. Mr. McGuinness commented that the 2 hour parking restriction is on the west side of Kenton and the east side includes a restriction "No Parking weekdays between 10:30 a.m. and 5:30 p.m. Commissioner Bennett said his only question for the petitioner is whether he will see any increase in any of the Park District activities. He wondered if the Park District is projecting that there will not be any more parking spaces needed in the future. He said once the parking spaces are gone they are gone. Commissioner Bennett commented that if the Park District does any future improvements he wonders if they will question whether they should have kept the parking. He asked the petitioner if he is happy with the way it is structured now and if there are any intentions to make improvements to get the facility more active. The petitioner said as they own the land today and with the additional tournaments and ice skating competitions, they have not been able to utilize any of the parking spaces that they are giving up as far as to the south of the ice arena or to the west of the ice arena. He said as they continue to bring in activity to the ice arena and since they do not have access to the property that they own, they find partners with the Oak Lawn Hilton and St. Paul Lutheran Church to make sure they can accommodate their patrons. He expressed that St. Paul has been a great partner through the years. He also added that they try to utilize other parking that is not spoken for. Commissioner Bennett commented that the petitioner's comments are fair but questioned whether the Park District would consider an improvement to the building say for a second ice arena. The petitioner responded that there is currently not a demand for a second ice arena. He said even if they were to consider it, they currently do not have access to the parking spaces that they own. Commissioner Bennett asked if the swimming pool is at capacity. Commissioner Bennett expressed that he knows it is a short season for the swimming pool and that he does not believe it is ever overly occupied. Commissioner Bennett asked if there was more activity at the swimming pool if it would create a problem for parking. The petitioner replied that he does not believe so. He expressed from his experience today the parking is sufficient.

Commissioner Lundy asked how many people currently work at the Park District's Administration Building. The petitioner responded eleven employees. Commissioner Lundy asked the petitioner if he foresees consolidating the Park District buildings and adding more employees to the Administration building. The petitioner responded that based on the building footprint it will most

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likely stay at eleven employees. He added that the number may decrease due to staff retirements. Commissioner Lundy stated again that it is a large parking variance.

Mr. Mark Pilny, 9421 S. Kenton Avenue, Oak Lawn, Illinois

Mr. Pilny said he lives on the east side of Kenton and asked what will happen to the soccer field. Mr. Pilny commented that there is already a lot of traffic. Commissioner Zumhagen asked Mr. Pilny if he is referring to the empty grass field at the south of 94th Street. Commissioner Zumhagen said he assumes that the area will be paved over; he suggested that Mr. Pilny look at the information available from the Village Board meeting. Commissioner Zumhagen expressed that the reason he makes the assumption that the area will be paved over is because he doubts that Mancari wants a grassy area.

Commissioner Lundy expressed to the residents that the Commission is a recommending body and he encouraged the residents to reach out to their Trustees since this petition will go before the Village Board. Commissioner Lundy explained to the residents that the Village Board of Trustees meeting is not an open public forum as far as discussion and that they will have to sign in beforehand for Public Comments.

The Public Hearing closed at 7:56 p.m.

A motion was made by Commissioner Moriarty to approve Pet. #2021-1 – Request for a Parking Variation at 9320 S. Kenton Avenue. The motion was seconded by Commissioner Duhig.

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

Motion to approve passes: 7-0.

The Public Hearing opened at 7:58 p.m.

B.) Pet. #2021-2 – Request for Parking, Loading Berth, and Setback Variations at 9500 S. 50th Ct., Amin Panjwani, Petitioner

Mr. Sadiq Poonawala, 9500 S. 50th Ct., Oak Lawn, Illinois

The petitioner explained the variation for the 1-story Dunkin drive-thru building with three commercial tenant spaces at the southwest corner of 95th St. and 50th. Ct.

Commissioner Zumhagen explained that this petition has previously been heard by the Zoning & Planning Commission, and the reason it is being heard again is because the petitioner had one year from the date the variances were granted to begin construction, and because that time frame has passed, they had to come back. He expressed that this is the primary reason that they are here.

Commissioner Moriarty asked if the egress and ingress is on 95th Street. The petitioner responded that the entrance will be on the new road. Commissioner Moriarty asked if any type of traffic study had been done before. The petitioner responded and said 3 years ago there was a car count done and the traffic supports the proposed building. Commissioner Moriarty said his only concern is the

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impact of traffic in that area. The petitioner replied that having the egress and ingress off to the side, he does not feel that there will be an impact of traffic on 95th Street. He said from the moment you enter the site, the drive thru allows 8 to 8 ½ feet for vehicle stacking. The petitioner said based on the other 33 locations in the area, using the same vehicle stacking queue, he has not seen any cars out on the street.

Commissioner Paruta asked the petitioner the reason for the delay in construction. The petitioner said that new construction was put on hold during the pandemic and the focus was on remodeling the other stores. Commissioner Paruta asked if there are any other tenants planned for the site. The petitioner responded not yet. He explained that they had planned for a restaurant group, but because of the pandemic, everyone who had been involved in previous discussions withdrew. He said he is in the process of finding new tenants.

Commissioner Piazza asked if the plan still includes a maximum of 8 employees at a time. He inquired as to how many employees would work each shift and whether Dunkin' Donuts would be open 24 hours a day, seven days a week. The petitioner responded that they will be open 24/7. He stated that a maximum of eight employees will work in the morning, followed by six and then four. Commissioner Piazza asked if the employees will park *outside* of the property. The petitioner responded that the employees will park in the Village-owned lot. Commissioner Piazza stated that he is aware that the tenant spaces are 3,400 square feet, which is a small footprint; he inquired about the possibility of a fast food restaurant opening in the location. The petitioner responded that they initially had a Mexican Restaurant interested but that that restaurant backed out. The petitioner stated that they would like to see another restaurant group that would operate later in the afternoon, but it has been difficult to find someone. Commissioner Piazza said he believes the Mexican Restaurant group was going to use valet for parking. The petitioner replied that valet parking will be a condition of the lease for any restaurant group that comes in.

Commissioner Lundy quoted the staff report which indicated that the commercial tenant's parking requirement is 38 spaces for the commercial building and 15 spaces for Dunkin. He asked if a restaurant becomes a future tenant whether the parking ratio will change. Mr. McGuinness responded yes and explained that depending on the occupancy it could increase the parking variation. He said if a business license application is submitted for a restaurant the occupancy would have to be determined to calculate the variation. Commissioner Lundy said his concern is that the tenant spaces are small. He asked the petitioner what would happen if a restaurant group asks for 3,000 square feet. The petitioner said it would be up to the restaurant to get a variation approved. Commissioner Lundy asked the petitioner if he is saying that he is not locked to 3 tenant spaces. The petitioner responded no. The petitioner said he is open to filling the tenant spaces. Commissioner Lundy stated that based on that comment, the petition is called into question. Commissioner Lundy said the renderings show a Dunkin Donuts building and 3 other retail spaces and now the petitioner is saying he is open to change. The petitioner responded that the build out will be exactly like the rendering but that he does not have to add the walls and they can leave a shell. Commissioner Lundy said that it would still change the request for the variance for parking. The petitioner said their biggest concern is that they are the owners of the Dunkin Donuts and they want to get the project started to build their Dunkin and if he has to keep 3 tenant spaces then he will. Commissioner Lundy said his concern is the other tenant spaces and that the numbers will not add up if one of the tenant spaces is a restaurant. The petitioner said as of today the petition before the Commission is for a Dunkin Donuts and 3 tenant spaces.

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Commissioner Lundy asked staff about the parking spaces behind Sushi Thaime. He stated that when the original petition was presented, those parking spaces were included, but they are not included in the proposed petition. Mr. McGuinness stated that he is not certain but he believes the other parking spaces were ancillary parking, similar to the Village's parking garage, to be used for overflow. He stated that those parking areas were not considered in the variation calculation. Commissioner Zumhagen said it is a mitigating number.

Commissioner Duhig said he is confused by the rendering. He commented on the circular path around the building and asked where the pedestrians will walk and to what door. The petitioner explained that the front door of the building faces the north and that the back doors are used for employees and for deliveries. Commissioner Duhig said when looking at the front view he does not see parking. The petitioner responded that parking is at the right of the building. Commissioner Duhig asked if there is a sidewalk in front. The petitioner responded yes.

Commissioner Zumhagen said his only concern is having vacant storefronts. The petitioner said that is their concern too. Commissioner Zumhagen asked if the rendering shows the final building elevations. The petitioner responded yes. The petitioner said because of branding they are limited to what they can construct on the outside and what colors they can use. Commissioner Zumhagen asked the petitioner if his group owns the Dunkin Donuts Cicero Avenue that was recently renovated. The petitioner responded that they did a few renovations but that the 89th & Cicero location is a new building. Commissioner Zumhagen said the proposed rendering is different. The petitioner stated that the color scheme has changed and that the proposed color scheme is the most recent updated brand. Commissioner Zumhagen asked if this will go before the Architectural Review & Preservation Commission (AR&PC). Mr. McGuinness said he believes the building elevations have already been presented to the AR&PC and have been approved.

Commissioner Piazza pointed out that to the west of the property there is an ice cream shop with 22 parking spaces and 2 handicapped spaces. He asked if those parking spaces are open and available to everyone. Mr. McGuinness said he is not sure but he believes it is restricted to that building. He stated as with other commercial properties, if there are issues with others parking in another lot it can be an issue.

Mr. Patrick Elward, 9540 S. 50th Ct., Oak Lawn, Illinois

Mr. Elward said he recently received information about the Patriot Station TIF and he is wondering if the Dunkin Donuts will play a role in changing or amending the TIF in any way. Mr. McGuinness responded that the subject property is already in the TIF District.

Mrs. Henning, 9543 S. 50th Ct., Oak Lawn, Illinois

Mrs. Henning commented that parking is a huge concern for the neighborhood. She expressed that she feels there is no way there is sufficient parking at that property for retail or a restaurant. She said previously when the plan was pitched for the Mexican restaurant the valet aspect was okay. She said patrons for a retail tenant will not want to park in a parking garage and walk to a store. She expressed that the petitioner is now saying that the plan can change to a restaurant or it could be 2 or 3 retail tenant spaces. Mrs. Henning expressed that there is pressure to fill the spaces so that the building is complete, which puts pressure on all to accept to drive this forward so that the 95th Street corridor looks good. Mrs. Henning said it seems that we are missing the point and this is the

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time to discuss and consider. She said this is a serious issue for our street and if this gets pushed through there will not be a lot of options later. She said we are here to voice concerns about the parking because what we see now is not enough. She expressed concern about people parking on her street and also the safety concerns of the children that live in the neighborhood. She said it feels as if this not a good situation and it concerns her greatly. She mentioned the Dunkin' Donuts on 89th and Cicero, which has a much larger parking lot but a smaller store (about 2,500 square feet). She said the proposed building is 6,000 square feet. According to Mrs. Henning, the smaller store has 34 parking spaces and the drive-through does not back up. She stated that the proposed site has a smaller lot, and that the petitioner is proposing a larger footprint building with fewer parking spaces.

The petitioner said from his understanding the access from the street was blocked off when the road was built. Mrs. Henning replied and said there is a cul-de-sac and she feels that people will park at the cul-de-sac and run across to the development. She said this is not a great thing for their street. The petitioner stated that their business has significantly increased in drive-through service over the last 18 months, and that this has not changed as businesses have reopened. According to the petitioner, about 80% of their service is offered through a drive-through window. He stated that they only require parking spaces for employees who will park in the lot across the street. The petitioner stated that they have completed their due diligence and reevaluated the project. The petitioner mentioned his other stores, claiming that some of them only have a few parking spaces and that there is never a problem finding a spot. Mrs. Henning expressed that she feels the parking situation does not support the development that is being requested and she feels it will negatively impact the block.

Commissioner Duhig inquired about the planned drive-through and dining service ratios. According to the petitioner, the planned store would be 75 percent drive-thru and a 25% dine-in. Commissioner Duhig inquired about the amount of seats available within Dunkin. The petitioner replied 20 seats. Commissioner Duhig said there is a plan for a traffic light and he is not sure how that light will impact parking. The petitioner responded that the Village will be installing the traffic light and that they would have more feedback on it. Commissioner Duhig asked the petitioner if the traffic light will benefit his business. According to the petitioner, there would be no left turn out and only a right turn onto 95th Street.

Ms. Rhonda Farrell, 9518 S. 50th Ct., Oak Lawn, Illinois

Mrs. Farrell said her house is right next to the building. She expressed reservations about the petitioner's remarks about the 80/20 drive-through ratio. She indicated that when the street was built, they were told that the wall would extend all the way across the cul-de-sac. Mrs. Farrell said cars are repeatedly driving over the raised curb. She went on to say that there is not enough parking and that there is already a lot of litter in her yard because the wall does not go all the way across. She also said that they were informed that signs identifying Patriot Station would be placed on the wall. Mrs. Farrell said there are a lot of kids on the block and she is worried about their safety. Mrs. Farrell expressed concern about the number of cars using the drive-thru and also for the number of deliveries to the property; she said the project has a direct effect on her and her family.

Commissioner Zumhagen asked Mrs. Farrell if the vehicles going over the curb are driving north or south. Mrs. Farrell replied that when the cars reach the end they either make it over or they don't. Commissioner Zumhagen said that must be addressed. Commissioner Zumhagen inquired to staff

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as to why the wall did not extend all the way. Mr. McGuinness responded that he does not have an answer and only knows that a wall was supposed to go up but he does not know the extent of it. Commissioner Zumhagen asked if the wall is the Village's or the developer. Mr. McGuinness replied that the wall was part of the roadway construction and the Village funded it. Mr. McGuinness went on to say that the civil plans he saw corresponded to what was constructed. He stated again that the plans he did see corresponded to what was built. Mrs. Farrell stated that the idea was to provide residents with access to the businesses. She commented that the curb was meant to go around the cul-de-sac, with access on both ends, not in the center. She stated that was the plan she saw, but it did not come to fruition.

Commissioner Duhig commented that a metal curb barrier would help. Commissioner Zumhagen directed staff. Mr. McGuinness stated that he will forward the comments to Administration for consideration, but that the focus for tonight should be on the parking variation.

Commissioner Bennett inquired whether another variation would be required to be presented to this Commission if a new business is brought in. Commissioner Zumhagen responded by saying that anything that would necessitate a parking variance would be brought before this Commission. Mr. McGuinness explained that if a new business alters the parking variance, it will be brought to this Board, but only if the parking variance is changed. He reminded the Board that a restaurant could satisfy the parking requirement.

Mr. Steponik stated that while the residents want the petitioner to succeed, they also want something that works for everyone. Mr. Steponik noted that at the first meeting, the petitioner stated that Dunkin' Donuts would not be open 24 hours operation.

The petitioner clarified that their company operates 24 hours a day and then adjusts its hours depending on business activity.

Mr. Steponik inquired about the requested parking variance and whether the site will have three or four units. Commissioner Zumhagen responded that the parking variance is 75.4% and it will be a total of 4 units. Mr. Steponik inquired as to whether separate handicapped parking spaces will be needed for all tenants or if three handicapped spaces will suffice. Mr. McGuinness replied that he does not have that calculation with him. Commissioner Zumhagen said the variance is for the entire site not just for Dunkin Donuts. Mrs. Farrell inquired about the number of handicapped parking spaces; Kevin responded that there is one proposed ADA space, which will meet the requirement for the entire building. Mrs. Farrell asked for the total number of parking spaces. Mr. McGuinness replied that they are proposing 13 spaces.

Commissioner Bennett stated that another business can move into one of the units and parking will be set and if the variance is granted they will not be required to return. Commissioner Zumhagen stated that some businesses have different parking requirements, so it depends on the type of business that comes in; if a business comes in and increases the required number of parking spaces, they must return for a variation. Commissioner Bennett asked if that includes a restaurant. Commissioner Zumhagen explained that as far as a restaurant it would depend on the number of seats available.

Mr. Steponik expressed that he feels Oak Lawn is a city of older people and believes having one handicapped parking space for four businesses will create issues.

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Commissioner Zumhagen expressed that a lot of the concerns addressed tonight would be mitigated had the wall extended out. He said a wall would certainly cut down on the noise of a 24 hour operation. Mr. McGuinness stated again that he has not seen plans that show otherwise. He reiterated that the civil plans he has seen for the wall for the extension of Museum Drive and for the traffic signal is what is built today. Commissioner Lundy said he remembers the meeting and stated that the wall was supposed to go all the way down. He said that he thought that the Village was waiting for Dunkin to develop to share the cost of the wall. Commissioner Lundy said he is not sure if plans got changed;

The petitioner said that when he last presented, the wall may have been shown to extend all the way down but that the cost of the wall was never part of the development; he said he was told that the wall would be up to protect the neighbors. Commissioner Bennett stated that he lives on a block where restaurants are at the end of the street and that a significant amount of litter blows down the street from those restaurants. He said the garbage should be addressed. Commissioner Zumhagen noted that he does not see any trash receptacles on the rendering. The petitioner responded and explained that trash receptacles are not typically shown on site plans and confirmed that there will be trash receptacles on site and that they are willing to add more if necessary.

Village Counsel reminded the Commissioners that the wall or a barrier is not a purview of this petition and suggested that the residents contact their Trustee. Commissioner Zumhagen mentioned the meeting minutes relative to the wall are available on the Village website and suggested that the residents share those minutes with their Trustee ahead of their conversation.

Commissioner Lundy said he would like to propose a condition to the motion about extending the wall but that someone is going to have to pay for the wall. Commissioner Zumhagen replied and said the full site plan and redevelopment was already presented and the petition before the Commission tonight is for a parking variation. Village Counsel stated that staff will look into earlier deliberations and bring back to the next meeting for discussion, but that a condition to have a wall installed should not be addressed tonight. The petitioner, according to Village Counsel, does not own the property where the wall is located. He stated that it is not possible to impose a condition on the construction of a wall on government property. He stated that regardless of whether a prior agreement between the Village and the petitioner existed, the condition to extend the wall cannot be added. Commissioner Lundy replied that he understands but feels that something was lost in translation. He said the Village told the residents that a wall would be there and there is no wall.

Commissioner Bennett asked the petitioner if he considered a smaller building. The petitioner responded that they had looked into it but that a smaller building did not add more parking spaces because of the drive thru lane. The petitioner restated and said they had their architect try to reduce the building but it did not increase parking spaces.

The Public Hearing was closed at 8:43 p.m.

A motion was made by Commissioner Bennett to deny Pet. #2021-2 – Request for Parking, Loading Berth, and Setback Variations at 9500 S.50th Ct. The motion was seconded by Commissioner Moriarty.

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

Motion to deny carries: 4-3.

V. OTHER BUSINESS:

A.) Chairman:

B.) Members:

Commissioner Lundy said that he has driven by Style Exteriors at least four times and has noticed that there is no fence. He said they promised to add a fence. Commissioner Lundy expressed that the property looks more like a dump than ever before. He said he is not sure what the variances were but the petitioner made a promise to improve the property and add a fence. Commissioner Moriarty reminded Commissioner Lundy that the petitioners stated that the fence would be erected once the weather improved. The Board heard the petition because they had applied for a fence permit. Commissioner Moriarty stated that the petition was approved in November. There is 100 percent more waste, according to Commissioner Lundy, and they said that they will not dump there. Mr. McGuinness said he will check with the Building Department to see if a fence permit has been issued, and then have staff talk to the property owner.

Commissioner Paruta commented on the denied petition, stating that it was not the petitioner's fault that the fence did not extend out around the cul-de-sac. Village Counsel said for the record, the petition was not rejected because of the wall issue; he said the problem was the footprint of the building. Village Counsel expressed that the property has a lot of history that predates a lot of people on this Board. Commissioner Zumhagen said the wall was supposed to extend further than it is and was part of the plans that were approved. Village Counsel Kevin reminded the Commissioners about the IDOT plan feeding the new road into 50th Ct.

Commissioner Zumhagen said he is stepping away from the Dunkin proposal to discuss the commitment made during a Public Hearing in which this Board approved a site plan that included a wall that separated the residential community from the proposed development. He said that the wall literally fell short. Village Counsel said the main thing to look at is what was approved by the Village Board of Trustees. He said he is not sure if there was a change in the plan from the time it left this Commission to the time it went to the Village Board. Village Counsel stated that when you are looking at a plan that is included with a variance, you are voting on the variance not everything in the plan. Village Counsel said if you see something in a plan, such as a wall that extends the entire way, you may like that idea and if it is not part of the variance then you can put on a condition. Village Counsel said the variances that this Commission approves go to the Village Board for ultimate approval and whatever changes that happen that do not impact the variance, this Commission has no control. Village Counsel expressed that he did not want to get into discussion on the wall because it had nothing to do with the parking variance. He said the residents are being informed by the Commissioners that the extended wall has been approved, when it may not have been. He expressed that it may not be an issue for this Commission to decide. He said the wall may have been on the plans but it may not have been associated with any variances that were sought.

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Commissioner Zumhagen said he always assumed that when a site plan is approved that is the condition. Village Counsel replied that it depends on the type of site plan being discussed. Village Counsel explained the example of a new home that might have some setbacks; he said this Commission's task is to look at the setbacks because that is what the petitioner is coming here for; he said the plans may show a beautiful stone façade and you may say you love the site plan and want the house approved and then they put it up and it goes from a beautiful stone façade to pink vinyl siding and you go back and say you approved the site plan. Village Counsel said you did not have the authority to approve the site plan you approved the variance of the setbacks; that is where the difference comes in. Village Counsel said if it is a PUD development then your powers are much greater because you are looking at every aspect of that development. He said when it is an individual project with individual variances such as parking, setbacks, zoning, etc., your job is literally focused on that one issue. He said if there is an ancillary part that you can relate to for a variance to zoning issues that rationally relates to each other, that is where you have to think about your conditions.

Commissioner Lundy said this Board used to struggle with 20 -25% parking variances and tonight there was a parking variance at 91% and the other was 75%. Commissioner Lundy said he feels that this Board does not always know relevant information. Commissioner Lundy said he understands that it might not be a part of the variance but as a concerned taxpayer he feels that the residents may feel as if they are blindsided. Commissioner Zumhagen said having additional background would be helpful. Village Counsel said from an edification standpoint it is important because it helps you create and inform a decision but you have to focus on what is for your issue and if you start getting into the weeds of say a land swap then you are drawing away from what is going on. He said to Commissioner Paruta's point she asked about the petition being denied because of the wall. He said that is a great example of the perception that people could have and when someone comes back and remarks that a petition was denied improperly it is because you are taking into considerations items outside of the purview of your petitions. Village Counsel said he could see the petitioner appealing this because the residents want a wall that he has no control over.

Village Counsel stated that this petition was approved more than a year ago, and nothing has changed except a pandemic. Commissioner Lundy replied that if the petitioner had discussed the ancillary parking at the Patriot Station, he would have said yes. Commissioner Zumhagen stated once more that it is only a number of mitigating factors and is not part of the parking variation.

Village Counsel expressed that the prematurity of it is a well-taken point with the fact of not knowing what else would go in the development. Village Counsel pointed out the petitioner's standpoint is what he kept parroting: "I do not care, we want to build even if it has to be a shell"; "I do not care, we want to open". Village Counsel said that is why any tenant that comes in after that, it is their deal. He said now the petition has been denied and now they have to go back to the drawing board or appeal.

Commissioner Paruta said last year we voted yes to the same petition that we denied tonight. Village Counsel said that is correct. Commissioner Lundy said it is different because last time they said they were going to have valet service and that they were going to use other ancillary parking.

Commissioner Lundy mentioned the first petition. He believes it went backwards because the Village and Park District had the agreement in place before the variation petition came in and he feels it is just a rubber stamp. Commissioner Zumhagen said they only needed to ask for a parking

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variation. Commissioner Lundy said typically the variation comes first and then it goes to the Board of the Trustees. He said the Board of Trustees cut the deal and then the Park District came in to ask for the variance. Village Counsel said it is similar to someone that purchases a residential lot and then learns that he needs a setback variation on both sides of the property. Village Counsel said the deal was contingent on the parking variation, if they did not get the variation the deal would not go through.

C.) Staff:

VI. ADJOURNMENT:

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

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned 9:02 p.m.