

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, May 17, 2021
Meeting Minutes #2021-5

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 (*ABS*)
Bill Lundy (*ABS*) Vernon Zumhagen
Mike Moriarty (*ABS*)
- C. Staff: Kevin McGuinness, Village Planner
Kevin Casey, Village Planner
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 #2021-4 dated April 19, 2021 was made by Commissioner Duhig and seconded by Commissioner Bennett.

Roll call: Zumhagen, yes; Paruta, yes; Duhig, yes; Bennett, yes.

Motion to approve passes: 4-0-0.

The Oath was administered by Commissioner Zumhagen.

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

IV. PUBLIC HEARING:

A.) Pet. #2021-9 – Request for Parking, Setback, and Landscaping Variations at 9500 S. 50th Ct., Amin Panjwani, Petitioner

Mr. Kal Muhammad, 5821 W. 117th Place, Alsip, Illinois.

The petitioner explained that the subject property's variances were submitted a year ago, but there was a request for changes. He stated that the proposed variances for this meeting are for landscaping, parking, and a change/reduction in the size of the building.

Commissioner Bennett inquired whether there is an increase in available parking as a result of the building's reduction. Yes, said the petitioner. He stated that there are four (4) additional parking spaces.

Commissioner Duhig asked about the landscape requirement. The petitioner explained that as far as the landscape variance the perimeter setback should be 5' but they only have 3 ½' due to the drive-thru constrictions. According to the petitioner's calculations with the new building size, they do not require the parking variation. He stated that they meet the 17-space requirement. He stated that the restaurant has 14 parking spaces and a retail tenant will have 3 parking spaces.

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Mr. McGuinness clarified that the parking requirement is 22 parking spaces, while the proposed parking is 17 parking spaces. Mr. McGuinness showed the petitioner his calculations. The petitioner stated that occupancy has changed due to the reduction in building size. According to Mr. McGuinness, occupancy at Dunkin' Donuts has dropped to 28, reducing parking to 14 spaces. According to the petitioner, they reduced the seating area on the interior of the Dunkin' Donuts building. The petitioner claimed that there was a typo in the original occupancy calculations for Dunkin'.

Commissioner Duhig commented on the road into the property, suggesting that signage such as "Pedestrian Crossing" be added near the walkway and crosswalks in the parking lot. Mr. McGuinness stated that the petitioner could incorporate it into the site plan. The petitioner inquired as to whether Commissioner Duhig is speaking to the crosswalk near the drive-thru lane coming in from 95th St. Commissioner Duhig responded yes. According to the petitioner, adding signage is not a problem. The petitioner drew attention to the three crosswalks. Mr. McGuinness stated when the plans reach Engineering review, the signage will be added to the site plan.

Commissioner Paruta asked the petitioner if they know of the retail tenant. The petitioner responded not at this point.

Mr. David Piunti, Dunkin Brands, Construction Manager, 3 Glenlake Parkway NE, Atlanta, GA

Mr. Piunti stated that he had spoken with the owner. He currently does not have a tenant. He stated that when they reduced the size of the building, the previous tenant opted out. Mr. Piunti stated that the property owner met with Village staff due to the limited parking spaces, which is why the building was reduced in size.

Commissioner Zumhagen stated that this petition has been before the Board several times and that he appreciates the property owner removing the two tenant spaces because it makes the process much easier.

Mr. McGuinness provided an update to the Commissioners, stating that the subject petition still has a parking variation. He stated that the parking variation has been reduced to 10.53 percent.

Mr. Piunti commented that Dunkin has gone through an image change. He said Dunkin' focus is about the drive-thru. He said during Covid they noticed a huge spike and their business has changed because of the pandemic. He said they are able to reduce the amount of seats in the store which helps eliminate the additional staffing that has been required in the past. He said the drive-thru percentages have gone from an average of 60% to 85%.

Ms. Andi Ault-Henning, 9543 S. 50th Ct., Oak Lawn, Illinois.

Ms. Ault-Henning commented on the reduction in building size and said the change in parking is wonderful. She asked where the drive-thru speaker will be placed and if that speaker will face directly at the neighbors across the street. She asked about the volume of the speaker and what type of sound mitigation will be added for the property. She said she feels that the drive-thru might get fairly loud at 10 p.m. or 11 p.m.

Mr. Piunti said he does not have the sound calculations. He said given the distance on the property the sound levels are adjustable. He mentioned the landscape buffer. He said as far as the position of the speaker, it will be on the south side of the building. The petitioner said Museum Drive is 50'

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wide and there is another 30' to the speaker plus additional space. The petitioner said with the 100' distance and the landscape buffer, it will make a difference.

Mr. Kevin Farrell, 9518 S. 50th Ct., Oak Lawn, Illinois

Mr. Farrell said his home is directly opposite of where the speaker will be placed. He said he believes his home is approximately 6' feet on the other side of the wall. Mr. Farrell said he would like to commend the property owner. He said that the owner has been at every meeting and the meetings have been contentious. He commended the property owner for the reduction in the building size and for working with the residents in the area. He said the neighbors have been very active during this process and it is very admirable that the property owner has come to an understanding of the concerns that have been addressed. Mr. Farrell said he speaks on behalf of the block. Mr. Farrell asked about the dumpsters and whether they will be placed at the southeast corner. The petitioner responded that the dumpsters will be placed at the southwest corner next to the museum. Mr. Farrell explained where his living room and back yard are in relation to the drive thru speaker and the dumpster. He said those are his only concerns and reiterated that it is very commendable that the owner reduced the size of the building. He said it is appreciated.

Mr. Piunti stated that the owner had a family emergency. Mr. Farrell expressed regret because the owner has heard the wrath of the neighbors but is not present to hear the compliments. Mr. Panjwani is one of Dunkin's favorite franchisees, according to Mr. Piunti, because he always considers the residents' concerns.

Mr. Piunti believes the sound factor is easily remedied. He stated that they have solid studies. He stated that their menu board is set up differently, that the speaker post is just not separate from the menu board, and that cars actually block some of the sound. Mr. Piunti reiterated that the volume can be adjusted. He stated that he is confident they will be able to bring the speaker up to acceptable levels. Mr. Piunti also stated that the dumpster is surrounded by a 6' masonry wall.

Mr. Piunti was asked by Commissioner Zumhagen if he would be willing to share his contact information as well as management information in the event of a concern. Mr. Piunti stated that this is not a problem. He provided contact information: David.Piunti@inspirebrands.com / (708) 334-6298. He stated that he has been with the Dunkin' Donuts franchising group for 15 years and that they are very committed to making everyone happy.

Commissioner Bennett inquired whether Dunkin' Donuts would be open 24 hours a day, seven days a week. Mr. Piunti stated that if it was mentioned at a previous meeting that it would be a 24-hour operation, that is most likely correct. He expressed surprise, stating that sales after 10:00 p.m. typically drop significantly to close to nothing.

The Public Hearing closed at 7:55 p.m.

A motion was made by Commissioner Bennett to approve Pet. #2021-9 – Request for Parking, Setback and Landscaping Variations at 9500 S. 50th Ct., Amin Panjwani, Petitioner. The motion was seconded by Commissioner Duhig.

Roll call: Bennett, yes; Duhig, yes; Paruta, yes; Zumhagen, yes.

Motion to approve passes: 4-0-0.

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

B.) Pet. #2021-10 – Request for Rezoning from O to C-2 at 9600 S. Pulaski Rd, 96th & Pulaski LLC, Petitioner

Mr. Theofilos Asimos, Attorney for 96th & Pulaski LLC, 7126 N. Lincoln Avenue, Lincolnwood, Illinois

Mr. Asimos explained that his firm is representing the petitioner. He said the property is currently zoned for office space. He said there are only commercial tenants right now. He mentioned that there is a bar, Mexican Restaurant, a hair salon, barber shop, and a Convenience store. He stated that they have had vacancy issues; he stated that every applicant or prospective tenant requires a Special Use Permit zoning request, which is burdensome for smaller family-owned businesses. He stated that it resulted in legal action by a former prospective tenant, Smerqs BBQ, who was denied the zoning change. Mr. Asimos said according to the Village's 1997 Comprehensive Plan the proposed use is commercial. He stated that office space is a dying breed right now, especially in light of the pandemic. He stated that they are seeking C-2 zoning to make it easier to find tenants.

Commissioner Bennett asked for clarification that the petitioner wants to make the process of getting a tenant at the property easier. Mr. Asimos stated that there are small family-owned businesses and that starting a business can be scary or burdensome for them; he also stated that the property has only been used as commercial space since his client has owned it. He stated that there have been vacancy issues for the last ten years due to the additional hurdles that prospective tenants must overcome in order to obtain the zoning change. Commissioner Bennett inquired about the strip mall's current occupancy. Mr. Asimos believes they are nearing 50 percent occupancy, but he is unsure. Commissioner Zumhagen said according to the paperwork there is only 22% vacancy.

Commissioner Duhig believes that the aesthetics of the property are part of the problem in attracting tenants. He stated that the property is in poor condition. Mr. Asimos stated that they have been cooperating with Steve Radice, Property Maintenance Division, to repair the parking lot. He said they just need the weather to improve in order to sealcoat and complete the restoration. Commissioner Duhig said there have been sidewalk issues as well. Mr. Asimos said he believes the sidewalks have been repaired but he is no longer overseeing this particular property so he is not 100% certain. He said the Founding Partner is in communication with Steve Radice and they walked the property approximately two months ago. Commissioner Duhig asked if there is a commitment relative to the property improvements in writing. Mr. Asimos said there was an Adjudication hearing earlier in the month and they have an extension until the June hearing. He said they were going back and forth whether the parking lot had to be repaired or replaced. He said he believes the parking lot only has to be repaired but the weather has to improve. Commissioner Duhig asked about parking and if the zoning change will change the parking requirement. Mr. McGuinness responded that the property will meet all requirements for the C-2 zoning if the zoning change is approved.

Commissioner Zumhagen stated that site upkeep has been a recurring issue. He brought up the July 15, 2019 Meeting Minutes and the issues with the parking lot's condition. He stated that at the time, the Board was informed that the property owner was waiting for the weather to improve. Mr. Asimos stated that there was a lot of back and forth about the parking lot at the time. He stated that the cost difference between repairing and replacing the parking lot is upwards of \$100,000. He

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indicated that the parking lot does not need to be replaced. Commissioner Zumhagen said that he understands, but that this is the same discussion that the Board has had in the past about the parking lot's upkeep. He expressed that little has been done to the striping in the last few years based on his observations. He said that the landscaping appears to be in need of improvement. He noted that some of the bushes have been cut in half. He said he has to question whether the problem of filling vacancies is related to zoning issues or the site's appearance. Mr. Asimos said he is not a realtor so he cannot speak to that. He said he does know that the zoning is one concern of prospective tenants. He said as far as the appearance of the strip center as a whole he is sure that plays a role in a prospective tenant looking to lease.

Commissioner Zumhagen inquired about the adjudication hearing and the resolution of the property fines. Mr. Asimos stated that the only outstanding issue is the parking lot; all other issues have been resolved. He believes the fines will be around \$32,000. He stated that there were eight violations, all of which had been remedied except for the parking lot.

Commissioner Duhig stated that the subject property is a gateway into Oak Lawn and that it looks bad. He stated that improvements are required.

The petitioner concluded his remarks by stating that the strip center has always been used for commercial purposes and has never been used for office space. He reiterated that the zoning change is merely a formality designed to make it easier to find tenants. He claims that the Special Use process is burdensome for prospective tenants, and that they end up moving on to other locations as a result.

The Public Hearing was closed at 8:08 p.m.

Commissioner Bennett inquired whether a stipulation should be included in the motion. The property aspect of it, according to Village Attorney Kevin Casey, is that the property owner is in adjudication and that should run its course. He stated that the issue before this Board is the zoning change from an office district to a commercial district. Commissioner Bennett asked if the parking lot issue will be resolved. Mr. Casey responded that the parking lot issue is being addressed as part of the Adjudication process.

A motion was made by Commissioner Bennett to approve Pet. #2021-10 – Request for Rezoning from O to C-2 at 9600 S. Pulaski Rd., 96th & Pulaski LLC, Petitioner. The motion was seconded by Commissioner Paruta.

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

Motion to approve passes: 3-1.

V. OTHER BUSINESS:

A.) Chairman: *None.*

B.) Members: *None.*

C.) Staff: Mr. McGuinness reminded the Commissioners that the Village Hall will be closed on July 5th.

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A motion was made by Commissioner Paruta to cancel the July 5th scheduled meeting. The motion was seconded by Commissioner Duhig.

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

Motion passes.

VI. ADJOURNMENT:

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

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned 8:11 p.m.