

# VILLAGE OF OAK LAWN

## ZONING & PLANNING COMMISSION

Village Hall Auditorium

Monday, June 6, 2022

Meeting Minutes #2022-4

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

**A. Chairman:** Vernon Zumhagen

**B. Members:**

Dave Bennett	Mike Moriarty
Drew Butler ( <i>ABS</i> )	Rich Piazza
Tom Duhig ( <i>ABS</i> )	Vernon Zumhagen
Bill Lundy	

**C. Staff:**

Andrew Guardia, Dept. of Engineering, Planning & Development  
Jeff Sebek, Director Engineering, Planning & Development  
Jeff Skly, 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 #2022-3 dated May 16, 2022 was made by Commissioner Bennett and seconded by Commissioner Lundy.*

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

Motion passes: 5-0.

The Oath was administered by Commissioner Zumhagen.

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

**IV. PUBLIC HEARING:**

**A.) Pet. #2022-10 – Request for Conversion of 2<sup>nd</sup> floor Office Space of a Commercial Building into a 3-residential apartment in a C-2 Zoning District at 5419-29 W. 95<sup>th</sup> Street, George Polymenakos, Petitioner**

*Richard Zulkey, Richard E Zulkey & Associates, 77 W. Washington, #1900, Chicago, Illinois*

The petitioner stated that the building, a two-story brick commercial structure, faces 95th Street; He said the building is 6,530 square feet and that the property is 11,550 square feet in size. The petitioner pointed out that the property has been vacant for three years. He said his client, Mr. Polymenakos, believes this is due to the recent pandemic, the shift in circumstances, and business dynamics that prevents the usage of retail businesses as they once were; he emphasized that there is a vacancy and that his client seeks the approval of his application to fill the vacancy. The petitioner stated that his client wishes to use part of the building as a rental residential site. He said his client intends to have three separate units on the second floor, each with two bedrooms. The petitioner indicated that Mr. Polymenakos believes that changing the vacancy is beneficial not just to him as a landlord, but also to the community. He added that his client believes the vacancy is detrimental to

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the community. The petitioner commented that an architect is present in case the Board wishes to hear from him regarding the Special Use. Commissioner Zumhagen replied not at this time and said if something comes up during questioning, it might be helpful. The petitioner summarized the Special Use request to convert the second floor from a commercial space that has been unoccupied for three years into three (3) residential apartments that he believes will improve the property and the area.

Commissioner Lundy expressed concern about parking. He referenced the parking behind the property but said because there is no striping it is difficult to establish how many spaces can fit in the back. The petitioner responded that Village staff advised them that there are 17 available parking places, but they believe there are more than 20. The petitioner claims that 17 parking spaces are enough for this property as it relates to the proposed petition. According to the petitioner, there are two parking spaces at the rear of the property.

***Mr. George Polymenakos, Property Owner, 5419 W. 95<sup>th</sup> Street, Oak Lawn, Illinois 60453***

Mr. Polymenakos indicated that there are 17-18 available parking spaces. Mr. Polymenakos stated that he owns the lot east of the subject property. Commissioner Lundy asked for clarification that Mr. Polymenakos owns the lot behind Lang Ice House. Mr. Polymenakos replied yes. Commissioner Lundy asked whether the tenants will have access to both the parking lot and the alley. Mr. Polymenakos replied that the alley is too narrow and that the tenants will only access the lot. Mr. Polymenakos was asked by Commissioner Lundy if he uses the parking spaces behind the property. He mentioned that he saw two cars there when he was at the property. Mr. Polymenakos stated that every now and then he and his son park at the rear of the property. Commissioner Lundy asked if the petition is approved will the tenants only use the parking lot and street parking. He then asked about the access is to the building. Mr. Polymenakos responded that there is access on the east side of the building and also at the front corner on the southeast end. Commissioner Lundy asked if the tenants will be able to park at the rear and asked how many parking spaces are available at the rear. The petitioner responded 4-5 parking spaces. Commissioner Lundy asked the petitioner if the only access of the rear parking spaces is through the alley. Mr. Polymenakos responded yes. The petitioner indicated that both West Shore Drive and Lawton Avenue are access points to the alley.

Commissioner Piazza indicated that he spoke with some of the building tenants and shared their parking concerns. Commissioner Piazza asked for clarification on the number of parking spaces. He said he counted 16 parking spaces in the lot and 1 parking space at the rear of the building.

***Mr. Jim Lukas, 1202 75<sup>th</sup> Street, Downers Grove, Illinois.***

Mr. Lukas replied that there are 18 spaces in the lot. Commissioner Piazza mentioned that the business tenants also expressed concern that if an apartment tenant has an event all the parking spaces will be taken up. Commissioner Piazza said there was also a concern about the business dumpster being used by the apartment tenants. Mr. Lukas responded that the lot will be striped for parking. He said as far as the dumpsters there are options. He said he can either provide a bigger dumpster or a separate dumpster for the apartment tenants. Commissioner Piazza asked if there are any tenants currently on the 2<sup>nd</sup> floor. The petitioner responded no.

Commissioner Moriarty asked Mr. Polymenakos how long he owned the property. The petitioner responded since January 4, 2002. Commissioner Moriarty asked if the 2<sup>nd</sup> floor use started only

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recently to taper off and if there are long term leases with the first floor tenants. Mr. Polymenakos responded yes.

Commissioner Bennett asked if the lot with the 18 parking spaces is part of one (1) property. Mr. Polymenakos said it is not separate; he said it is one parcel, one PIN number. Commissioner Bennett asked the petitioner about the difficulty in getting tenants for the 2<sup>nd</sup> floor. Mr. Polymenakos said he has been trying for the last 3 years. Mr. Lukas added that they have tried via social media and advertising the vacancy over the last few years. Commissioner Bennett commented that if the petition is approved it will be a reduction in property tax revenue for the Village when it becomes a mixed use building. Mr. Lukas commented that there is also a loss with having a vacancy. Commissioner Bennett asked the petitioners if he received any assistance from Covid Relief programs. Mr. Lukas replied no. Commissioner Bennett stated that there has not been any income from the 2<sup>nd</sup> floor for the last three years. Mr. Polymenakos replied that is correct. Commissioner Bennett expressed that his biggest concern is the loss of tax revenue.

Commissioner Zumhagen said his biggest concern was when he reviewed the plans he did not initially see the second point of egress on the property. He said he now understands that that the doorway at the east is also an entrance to the building. Mr. Polymenakos responded that is correct. Commissioner Zumhagen asked the petitioner to confirm that there is access to the building on 95<sup>th</sup> Street and off the parking lot. Mr. Polymenakos responded that is correct. Commissioner Zumhagen asked if there are any plans to make the alleyway parking for the apartment tenants. Mr. Polymenakos responded that he believes they have enough parking up in front. Mr. Lukas said it is an option but at this point he does not believe they really need it. Mr. Lukas said typically offices have employees and clients and with a change with adding residential units he feels that the parking demand will be reduced.

The petitioner stated for the record that the owners must submit plans and get the necessary permits and abide and comply with all Village Ordinances.

Commissioner Zumhagen asked if the doors that exit to the south is the access for the first floor businesses. Mr. Polymenakos replied yes.

Commissioner Bennett asked for the parking ratio for the subject property. Mr. Sebek responded that we do not have the hard and fixed guidelines at the moment. He added that the assumption is that the 2-bedroom apartments were rolled in with the review of the parking demand. Commissioner Bennett asked if the number of parking spaces on the property is sufficient. Mr. Sebek responded yes. Mr. Sebek said the parking spaces available for all tenants is compliant with Village requirements and a parking variation would have been added to this petition request if it was necessary.

Commissioner Zumhagen said when he was at the property he counted 18 parking spaces.

***Mr. David Zulkey, Richard E Zulkey & Associates, 77 W. Washington, #1900, Chicago, Illinois***

Mr. D. Zulkey said the petitioners can add signage and include specific business hours or parking restrictions. He added that they can also assign specific parking spaces for the apartment units to address the parking concerns. Commissioner Zumhagen asked if the petitioner would consider placing a sign at the rear of the property reading “No Residential Parking”. Commissioner Zumhagen said when he visited the premises, he noticed two cars passing through the alley. He

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says the vehicles assumed there was an exit but had to turn around. Commissioner Zumhagen said that if there was snow or other vehicles parked in the back, access would be more difficult. The petitioner said they have no objections to adding signage at the rear of the property. The petitioner restated his comments and said they will add signage at the lot and the rear of the property.

Mr. Ryan remarked again that the commercial tenants do not park in the lot and instead park on West Shore Drive. He asked why the tenants park on the street if there is ample parking. Mr. Ryan said there is currently not enough parking and now there is a plan to add at least six more tenants. Commissioner Zumhagen asked Mr. Ryan if his concerns are about accessing his own garage. Mr. Ryan replied absolutely and said he is always concerned about it.

Commissioner Lundy said he is aware that there is no variation in the request for parking and asked whether anyone calculated the parking demand. Staff stated that if a parking variation was required, it would have been added to this petition. Commissioner Lundy asked whether the Village believes the parking demand is appropriate for the site. Mr. Sebek replied yes.

Commissioner Piazza suggested that if the petitioners agree to the parking signs, a stipulation be added to the motion. Yes, said Commissioner Zumhagen.

*The Public Hearing closed at 8:04 p.m.*

*A motion was made by Commissioner Moriarty to approve Pet.#2022-10 – Request for Conversion of 2<sup>nd</sup> floor Office Space of a Commercial Building into a 3-residential apartment in a C-2 Zoning District at 5419-29 W. 95<sup>th</sup> Street, George Polymenakos, Petitioner with the condition that six (6) parking spaces are dedicated to the apartment units via assigned parking and the remaining parking spaces in the lot will be used for business use. The condition also includes parking signage to be placed in the lot and a “No Parking” sign placed at the rear of the subject property. The motion was seconded by Commissioner Lundy.*

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

Motion to approve passes: 5-0.

**B.) Pet. #2022-11 – Request for approval to use less than 50% masonry, New Construction (Single Family) 4353 W. 107<sup>th</sup> Street, William Kramer, Petitioner**

*The Public Hearing opened at 8:09 p.m.*

*Mrs. Anna Kramer, 10433 S. Kostner Avenue, Oak Lawn, Illinois.*

The petitioner briefly described plans of their new construction home to use stone at the front of the house and newer, high-end siding on the side elevations, rear elevation, and the majority of the front of the property. The petitioner stated that she likes the look of this aesthetic and that she is aware that several construction companies are building this look. The petitioner also stated that they want the home aesthetics to be of high quality and to present it well to the neighborhood. According to the petitioner, builders have confirmed that the durability is better.

Commissioner Moriarty stated that he has no concerns and that the proposed property looks very nice.

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Commissioner Piazza stated that he drove around Oak Lawn and noticed similar properties. He expressed it will be a lovely home.

Commissioner Lundy asked whether the petitioner plans to live in the house or sell it. The petitioner said once they are able to move into their new home, they will sell their current home. Commissioner Lundy asked the petitioner if she was aware of the 50% requirement per Village code when she presented her plans or if she was surprised. The petitioner responded that she was aware of the Ordinance. She said if it is a big deal, they are willing to add more stones to the side elevations. She said that they are using Brian Griffin designs and that he has built similar style homes. She explained that they intend to add a privacy fence on the west side and continue the fence on the other side, so their builder did not believe it was necessary to add really nice stone to the side elevations if it would not be seen. Commissioner Lundy asked the petitioner about the percentage of deviation from the code. The petitioner responded that she believes it is between 15 and 25%.

Commissioner Bennett commented that because the percentage is so high, he would prefer to see the stones placed on the side elevations.

Commissioner Zumhagen explained to the petitioner that this is a Public Hearing and that a sign indicating the time and location of the Public Hearing is required to be placed on the subject property. He asked the petitioner whether a sign had been erected on the subject property. The petitioner responded that she is aware that her neighbors were notified about the meeting but that she did not have a sign posted on the property.

The Village Attorney asked for clarification on the petitioner's comments about her petition notices. Commissioner Zumhagen said he believes the petitioner is aware that the neighbors were notified by mail only and that a sign was not posted. The petitioner commented that feedback has been extremely positive.

Commissioner Zumhagen apologized to the petitioner and explained that because no sign was posted at the property, the petition would have to be continued. He indicated that proper notice signage must be posted per Village Ordinance.

***A motion was made by Commissioner Moriarty to continue Pet. #2022-11 – Request approval to use less than 50% masonry, New Construction, (Single Family) 4353 West 107<sup>th</sup> Street, William Kramer, Petitioner. The motion was seconded by Commissioner Piazza.***

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

Motion to continue passes: 5-0.

**C.) Pet. #2022-12 - Request to Allow change in zoning from residential to commercial for a new training facility, 4520 Rumsey Avenue, Matt Meieakort – Grinder Training Facility, Petitioner**

***Mr. Matt Meieakort, 10101 S. Homan, Evergreen Park, Illinois***

***The Public Hearing opened at 8:23 p.m.***

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Commissioner Zumhagen asked staff whether this is a Special Use or a zoning change. According to the Village Attorney, this is a Special Use, not a zoning change. The Village Attorney stated that the paperwork does show a change in zoning, which was inadvertently put on instead of the Special Use. Commissioner Zumhagen stated for the record that this is a Special Use request not a change in zoning.

According to the petitioner, he and his partner Dave Torres opened a training facility in Evergreen Park last year. He indicated that both he and Dave have both coached together and are very involved in youth sports. The petitioner said both he and Dave are private and team coaches. He mentioned the facility on 102nd and Kedzie is being sold and that their lease is about to expire; He added that he operates a warehouse on Rumsey near this property that he utilizes for storage.

The petitioner indicated that he learned through the grapevine that Claudia, the owner, was looking to rent or lease the space, so he approached her and they negotiated an agreement, but he was unaware that the property was a residential use. He said that he heard about the zoning when he went to the Village Hall. He mentioned that Don McKenna was very helpful. The petitioner said he plans to leave the property as is, but to clean it up, apply new paint, and install pitching lanes and hitting cages. He said that he and Dave are certified qualified instructors. He mentioned that he has 30 pitching clients and Dave has roughly the same number of hitting clients. According to the petitioner, they train all throughout the area.

The petitioner reiterated that he does not want to change or disturb anything. He said they plan to clean things up. He said that no one will be there after 10:00 p.m. According to the petitioner, this is a drop and go situation. They will not be any parking issues. The petitioner said they train children ranging in age from 8 to 18. He expressed that the setting is ideal. He said it is perfect for what they want to accomplish. The petitioner said he will go to the Village and get the necessary inspections and permits required. He expressed that want this to be a great location and he believes it will be a great benefit to the community.

Commissioner Bennett asked about the petitioner's plans for the outside. The petitioner responded that he will add gravel and crushed concrete to the site, as well as six pitching lanes. Commissioner Bennett asked whether the pitching lanes would be located between the building and the apartment building. Commissioner Bennett was shown a rendering and the petitioner pointed out the location of the pitching lanes.

The petitioner stated that he will add lighting to the property, but because there are neighbors across the street, the lights will be directed down into the field. He said that there will only be four outside lights, none of which will be directed at Rumsey.

The petitioner stated once more that he will not be open after 10:00 p.m. He also reminded the Commissioners that his business will be closed after October. Commissioner Bennett expressed concern over the sound of the baseball at the pitching lanes. Commissioner Bennett said he believes it's a terrific idea, but he understands if some of the neighbors would have concerns.

Commissioner Lundy referenced the petitioner's comments of the business being mostly a "drop off". The petitioner said the parking spaces will be available for the employees. Commissioner Lundy asked if there are available parking spaces on Rumsey or if the parking spaces are all across the street. The petitioner responded that there is a driveway in front of the property. Commissioner Lundy asked how many parking spaces are available. The petitioner responded probably four (4).

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Commissioner Lundy asked the petitioner how many employees he expects to hire. The petitioner responded no more than 4 at one time. Commissioner Lundy said he is not certain if there are any neighboring residents present but he knows the residents have always had concerns about that area. Commissioner Lundy expressed that it is a great idea but he is curious of any concerns the residents may have. The petitioner said it would only take a simple call to fix or do whatever they need to do to be good neighbors.

Commissioner Lundy asked whether the equipment outside will be covered throughout the winter. The petitioner said that will place a canopy tent over the equipment. The petitioner mentioned that the inside will have a gym, personal instruction, HIIT tracks, a computerized hitting system, and other amenities. He explained that although they are a gym, they specialize in team and personalized training. Commissioner Lundy asked about the business's timetable for outside training. The petitioner said that the business will operate from March to October.

Commissioner Piazza asked whether the ages ranged from 8 to 18. Yes, said the petitioner. Will it be softball or baseball, asked Commissioner Piazza. The petitioner replied that they will utilize ordinary baseball and softballs. Commissioner Piazza asked if the current location at 102nd and Kedzie is an indoor only operation. Yes, said the petitioner. He described the space as "chopped up" and that it includes some office space. Commissioner Piazza commented that he played baseball and said that there is an echo indoors when the ball hits the catcher's glove and that there is also a sound when the players pitch softballs.

Commissioner Piazza said his concern is the noise/sound affecting the residents. The petitioner said they could add a canopy and close off whatever they need to; He said if he had to construct something, he would. The petitioner mentioned the other factor to consider is that the sound will be directed toward the tracks rather than across the street. The petitioner expressed that he fully understands those concerns. The petitioner reiterated that he would do whatever is necessary to ensure that residents are not affected and that they will comply with any Village Ordinance and that they will always be respectful to their neighbors. Commissioner Piazza asked if parents can stay and watch their children. That, according to the petitioner, is not an option. Commissioner Moriarty suggested installing screening to muffle out the noise. That is an excellent idea, responded the petitioner.

Commissioner Zumhagen asked the petitioner if the property being discussed extends east of the structure. That is correct, according to the petitioner. Commissioner Zumhagen believes this would be a wonderful benefit and any community would be happy to have something like this.

Commissioner Lundy stated that parking and safety are always top priorities for him. Commissioner Lundy mentioned staff that work at Christ may be surprised by the new traffic patterns in that area because there has been nothing back there for 20-30 years. Commissioner Lundy advised the petitioner to inform his clients to drop off in front of the building rather than near the apartments.

***Ms. Claudia Robuck, 8014 S. Laverne Avenue, Burbank, Illinois***

Ms. Robuck stated that the petitioner has been a pleasure to work with. She likes the concept and believes it will benefit the area.

***The Public Hearing closed at 8:39 p.m.***

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*A motion was made by Commissioner Bennett to approve Pet. #2022-12 - Request to Allow change in zoning from residential to commercial for a new training facility, 4520 Rumsey Avenue, Matt Meieakort – Grinder Training Facility, Petitioner. The motion was seconded by Commissioner Moriarty.*

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

Motion to approve passes: 5-0.

**D.) Pet. #2022-13 - Request for a Special Use Permit to Allow the property to be used as a tow lot at 4552 Rumsey, Othman Hamdon, Petitioner**

*The Public Hearing opened at 8:41 p.m.*

*The Oath was administered to the petitioner.*

**Mr. Raed Shalabi, Raed Shalabi Ltd. Attorney for petitioner, 12630 S. Harlem Avenue, Palos Heights, Illinois**

The petitioner said he is seeking a Special Use permit on behalf of his client. He mentioned that the property owner is present and pointed out that this property was previously utilized as a tow truck yard. He explained that could not find the Special Use designations for this property. The petitioner said his client is applying for the Special Use Permit to ensure that he is in compliance and can continue to use the property as it was before. He said his client wishes to sign the lease and use the property to store vehicles. The petitioner mentioned that his client operates a few other businesses in Oak Lawn and holds a Special use permit at another location.

Commissioner Piazza asked about the hours of operation.

**Mr. Othman Hamdon, 4552 Rumsey Avenue, Oak Lawn, Illinois**

Mr. Hamdon explained that their office is located at 9200 Kilpatrick Avenue and that all operations are based there. He said the main reason they are expanding is because they are running out of room and their yard is filled. The petitioner stated that there are a number of mechanics at Keating and Kilpatrick who leave cars outside and get ticketed, and he does not want to leave any cars on the street. He stated that he is currently out of space where he is. He explained that he has a fantastic contract with a motor club.

Commissioner Piazza asked whether this will operate seven days a week. The petitioner responded Monday through Friday. Commissioner Piazza asked the petitioner whether he would be willing to install a chain link fence around the property. The petitioner stated that the property currently has a fence, but he will look into replacing the fence, gate, and so on. He emphasized that business operations will not take place at the subject property and only serve as storage for extra vehicles.

Commissioner Moriarty said it was a tow yard before and asked if it was a different tenant. The business owner responded that Vince's Towing used to operate at that location. Commissioner Moriarty asked about the cars that are being towed. The petitioner explained that it is not a police tow, it is an insurance tow. He said if you are in a car accident and the police do not tow the car



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the insurance company will contact them to tow the car. He said they typically bring the cars directly to the body shop but if body shop is full or not accepting cars at the moment they hold the car until the body shop can accept the car 2-3 days later. He said that is 99% of their work. Commissioner Moriarty asked if the owners ever try to get to their cars. The petitioner replied no. The attorney said there will never be customers there or people looking for their vehicles.

Commissioner Piazza clarified his comments about the fence and told the petitioner he meant to say anything but a chain link fence.

Commissioner Bennett asked how many cars the property could hold. According to the petitioner the lot can hold up to 80-100 people. According to the owner, they do not expect to have more than 40 cars. Commissioner Bennett asked whether the ground needed improvement. The business owner said that they intend to make upgrades from top to bottom, including a fence, cameras, and everything in the yard. The petitioner stated that after the lease is obtained, a lot of work will be required, including paving the area. Commissioner Bennett asked about the timing of the final tow at the end of the night. He stated that it will not be a 24-hour operation.

Commissioner Lundy said that he is familiar with the petitioner. Commissioner Lundy asked if there were any complaints. Deanne responded that the only problem is the parking problem on Kilpatrick. According to the business owner, he informed the police that every vehicle being ticketed belonged to the mechanic businesses. He stated that the mechanic shop works with car dealerships. According to the owner, every vehicle they tow will have a license plate. He restated once more that every car ticketed on Kilpatrick did not belong to his towing company.

Commissioner Zumhagen said that he knows the answer based on the comments, but he will ask regardless. He asked the business owner if he will ever do police towing. The petitioner stated that he does not do any police tows. He also stated that automobile clubs account for 99 percent of their work. Walsh Towing, according to the business owner, tows for the police. He stated that they will be the backup towing option based on an insurance request. Commissioner Zumhagen asked about long-term car storage. The petitioners said the longest a car will be stored is a week to ten days.

Commissioner Zumhagen said that he did not observe any signage on the property. He asked if there was a notice indicating the Public Hearing. The attorney asked to how long the sign had to be displayed. Commissioner Zumhagen asked whether a sign had ever been erected. The petitioner stated that when he filled out the application, he clearly asked about the requirements for the public hearing. Commissioner Zumhagen said if a sign was erected he does not feel there will be a problem. The attorney responded that he did not have a sign up. Commissioner Zumhagen stated that because the Board meeting is not until July 12th, deferring this until the next meeting will not cause a delay.

### ***Karen Decaro, 7912 Sea Pines Road, Orland Park, Illinois***

Ms. Decaro asked whether the fencing was only for the front or the complete perimeter. The biggest concern, according to Commissioner Zumhagen, is screening around Rumsey. Karen stated that the gym has fencing on one side. Karen asked if the fencing should only be at the front. Commissioner Bennett stated that three sides are preferable. Karen mentioned fencing on the east side. She said she has no idea who owns the fencing on the west side. Commissioner Bennett stated that you may construct a fence along her property line. Commissioner Bennett stated that he is merely suggesting this because the residential area should be screened. He stated that there will be

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damaged vehicles. Commissioner Zumhagen mentioned that Walsh Towing did request a variance down the street but it was denied. Commissioner Zumhagen said the residents' main concern was screening and the appearance of cars in long-term storage. Commissioner Zumhagen acknowledged that this petition is different.

***A motion was made by Commissioner Lundy to continue Pet. #2022-13 - Request for a Special Use Permit to Allow the property to be used as a tow lot at 4552 Rumsey, Othman Hamdon, Petitioner. The motion was seconded by Commissioner Piazza.***

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

Motion to continue passes: 5-0.

**E.) Pet. #2022-10 - Request for a Subdivision variation from the Village requirement that each lot in a subdivision be on a dedicated street. Lot 4 is not, however, being sold to the owner of the adjacent property, 9400 S. Cicero Avenue, David B. Sosin, Petitioner**

***The Public Hearing opened at 8:58 p.m.***

***Mr. David B. Sosin, Sosin, Arnold & Schoenbeck, 9501 W. 144<sup>th</sup> Place, Orland Park, Illinois***

According to the petitioner, he is the attorney representing the developer of the 95th and Cicero property. The petitioner stated that he did not put up a sign but believes he did not need to; he referenced Village Code and said the Village Code has a special section that deals with subdivisions and there is a portion in the code that talks about study sessions and review of plat of subdivision. He said the only criteria they are unable to meet is the 5-lot subdivision. He explained that the first lot is the large former Fifth Third Bank building and they are relocating to the front and their building is under construction, and when they move, Northwestern College, a medical teaching school, will take over.

The second lot (Lot 3) which is the bank building and Lot 2 will be a car wash which will come in separately for a Special use. He said he is here representing the developer presenting the subdivision plat to facilitate all this; he said Lots 4 and 5 are lots which are being acquired by Webb Chevrolet. He said Lot 4 is not on Cicero Avenue and that there is a piece of Webb that goes all the way to the driveway and that piece would then be part of Webb. He said the variation technically is a lot of record once the subdivision is granted and that will have a separate PIN unless they consolidate it. He said for that reason we technically need to dispense with that issue as part of the Code. He said we can come back on the 20<sup>th</sup> but they do not believe posting a sign is necessary and he thinks staff will agree because when he checked with them on the requirements it was pretty clear that they only needed to pay the fee and this is not a variation. He said he knows Village Counsel is present. Commissioner Zumhagen said he is looking at the Code right now to see if this petition should be a Public Hearing and he knows now that it should be a regular agenda item. The Village Attorney agreed that this is not a Special Use.

Commissioner Zumhagen asked to have the opening of the Public Hearing stricken from the record. Commissioner Zumhagen explained that usually a regular petition is separated from the Public Hearing so this was an administrative error.

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The petitioner explained the uses of the property and said he was working with staff for many months and they are excited to keep Fifth Third at their new facility. He said Fifth Third indicated that this location is one of their most successful facilities. He said they are renting the facility from the developer for 20 years with plenty of options and the school is signing a long-term lease. He said we are happy to be solidifying and rejuvenating that corner and also providing more tax revenue with the addition of additional inventory for Webb. The petitioner said he knows the concern of parking and that is one the one things he wants to explain. He said it does not lend itself (the configuration) to shared parking; he said they are really separate uses and they will make sure to have enough parking. He said Lot 1 will require 150 parking spaces and– they have between 180 and 200 parking spaces that go in the back of the building and the front of the building even though they are selling off Lot 4 and 5. He said the reason they are picking up that area is because the drive thru will no longer be needed for the school and will be demolished and striped for regular parking. He went on to say that Lot 3 requires 43 spaces and they will have 53 spaces; Lot 2 will be a Special Use, a request for a car wash, and will need parking for their employees. He reiterated that they will be coming in on their own and present their plan with more details to be determined at a later time by this Commission. The petitioner said there is an arrangement for Lot 1 and Lot 3 and that there is an ability to share 10 extra spaces including some overflow.

Commissioner Lundy asked about the property Webb Chevy is acquiring. He asked if Fifth Third currently owns all of that property. The petitioner said the developer purchased the property and owns all of the property as of today. Commissioner Lundy asked if Webb Chevrolet will use the lots for more cars or plan to build a structure. The petitioner said for the foreseeable future it will be for cars and that is their plan. He said the developer does have a set of covenants on the property that was submitted to the staff and it limits them; he said if they ever come in for a building for Lot 4 it has to be at the rear and it cannot be too high; he said they have also restricted what they can use the lots for including things such as tattoo parlors and other things they would find objectionable with having a school there. The petitioner reiterated that Webb plans to use the lot for parking he said he does not see them using Lot 5 but it will allow them to expand the parking. Commissioner Lundy asked if the car wash is affiliated with Webb or are they a different business. The petitioner responded they are not affiliated with Webb and is an independent business.

Commissioner Zumhagen made a clarification and said looking at the draft review of the plat of land, specifically looking at the street frontage requirement which is currently a problem for Lot 4, once it is acquired by Webb Chevy it will no longer be a problem.

Commissioner Moriarty asked about Lot 5. The petitioner said Lot 5 will be acquired by Webb Chevy. The petitioner said in discussions with staff we designed the subdivision around the entrances to make it work and it works pretty well. The petitioner said he feels Lot 5 would mostly be an out lot that they use the least. He said they want the parking.

A motion was made by Commissioner Piazza for the 5-lot subdivision second by Commissioner Bennett

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

Motion to approve passes: 5-0.

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The petitioner said the other reason we are here is the Code asks for a recommendation to the Board for approval of the subdivision as presented and that is really is the major portion of what this petition is for and he believes it requires a separate motion.

***A motion was made by Commissioner Moriarty to approve Pet. #2022-10 - Request for a Subdivision variation from the Village requirement that each lot in a subdivision be on a dedicated street. Lot 4 is not, however, being sold to the owner of the adjacent property, 9400 S. Cicero Avenue, David B. Sosin, Petitioner. The motion was seconded by Commissioner Bennett.***

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

Motion passes: 5-0.

**V. OTHER BUSINESS:**

A.) Chairman: Commissioner Zumhagen mentioned the street lights on 50th Ct, indicating that they are now up but not yet operational. Commissioner Zumhagen said that staff will have to address the issue of the petitioners that did not post signs on their properties. He also expressed condolences to Don McKenna on the passing of his mother.

B.) Members: Commissioner Lundy expressed disbelief that there was not a single person present for the Rumsey petitions. He said that despite the fact that the sign was not displayed, the abutting residents were notified by mail. Commissioner Lundy also commented about follow through on petitioner promises. He mentioned that Style Exteriors planned to install a different fence, but all they did was add netting on the existing chain link fence. Commissioner Moriarty pointed out that Style Exteriors has two properties and that one of the properties has a new fence. Commissioner Lundy mentioned that the Style Exterior petition was approximately two years ago. He asked how do we follow up when we grant variances and the petitioner promises to make improvements such as erecting a new fence. Commissioner Lundy expressed that "we take so many people at their word," and "nothing is actually cemented." According to the Village Attorney, you can include the stipulation in the motion recommendation that will go to the Village Board of Trustees. Commissioner Zumhagen said if we approve with a condition for say that a fence be constructed within six months, what happens when the seventh month passes and the fence is not installed. Commissioner Lundy asked how would the condition be enforced. Commissioner Zumhagen stated unequivocally that this Commission could not enforce this. Mr. Sebek said there should be an additional part to the condition that includes a timeframe with a penalty/warning. He said for example if a petitioner is not in compliance by the deadline, you will be cited. Mr. Sebek said the Village needs something to reference back to when issuing a warning notice. Mr. Sebek reiterated that there has to be a consequence if not in compliance by the deadline you will be fined provide a consequence.

C.) Staff: *None.*

***A motion was made by Commissioner Moriarty to cancel the July 4<sup>th</sup> scheduled meeting and was seconded by Commissioner Bennett***

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

Motion passes.

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**VI. ADJOURNMENT:**

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

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned 9:20 p.m.