

**VILLAGE OF OAK LAWN**  
**PLANNING AND DEVELOPMENT COMMISSION**

Monday, March 7, 2016

Minutes #2016-2

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

**A. Chairman Pro Tem:** Bill Lundy

**B. Commissioners:**

Hasan Kishta	Rich Piazza (7:47 pm)
William Kushnerik (ABS)	Vernon Zumhagen
Bill Lundy	Tom Duhig
Pina Paruta	Matt Egan
James Pembroke	

**C. Staff:** Jack Gallagher, Village Engineer / Director  
Darren Angell, P&DC Attorney  
Deanne Adasiak, Recording Secretary

**D. Advisors:** Paul Vail (ABS), Rita Olsen (ABS)

**II. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Mr. Gallagher.

A motion was made by Commissioner Kishta to appoint Commissioner Lundy as Chairman Pro Tem. The motion was seconded by Commissioner Paruta.

Roll call: Egan, aye; Duhig, yes; Zumhagen, yes; Pembroke, yes; Paruta, yes; Lundy, abstain; Kishta, yes.

Motion to approve passes: 6-0-1.

*The Oath of Office was administered by Commissioner Lundy.*

**III. APPROVAL OF PRIOR MEETING MINUTES:**

A motion to approve the Regular Meeting Minutes #2016-1 dated January 4, 2016 was made by Commissioner Duhig and seconded by Commissioner Kishta.

Roll call: Egan, abstain; Duhig, yes; Zumhagen, abstain; Pembroke, abstain; Paruta, abstain; Lundy, yes; Kishta, yes.

Motion to approve passes: 3-0-4.

*A motion to advance Pet. #2016-5 – Request for Variation from Impervious Surface Requirement at 10113 Maple Avenue, Dan Sheedy, petitioner to the first agenda item was made by Commissioner Duhig and seconded by Commissioner Kishta.*

Roll call: Kishta, yes; Lundy, yes; Paruta, yes; Pembroke, yes; Zumhagen, yes; Duhig, yes; Egan, aye.

Motion to approve passes: 7-0-0.

**IV. PETITIONS:**

**A.) Pet. #2016-5 – Request for Variation from Impervious Surface Requirement at 10113 Maple Avenue, Dan Sheedy, petitioner**

*Mr. Dan Sheedy, 10113 Maple Avenue, Oak Lawn, IL.*

The petitioner indicated that he wishes to install an above-ground pool in his backyard but that it will exceed the allowable lot coverage. The petitioner expressed that there is never any standing water on his property even during the heaviest rain events. He added that there is a 6' vinyl fence that is around the perimeter of his yard. The petitioner indicated that he spoke to his neighbors and none of his neighbors are opposed to the pool. The petitioner said he does not feel the pool will be obtrusive. The petitioner expressed that the pool will benefit his family and explained that aqua therapy will be helpful to his

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nephew who is autistic and his mother-in-law for her knee therapy. He added that all of his children currently take swim lessons.

Commissioner Duhig distributed a report about flooding and showed how a pool will be an advantage as far as holding rain. He expressed that he is fine with the petition.

Commissioner Egan expressed that in reviewing the plat he noted that it is similar to his property and that he installed a pool on his property and there have never been any issues.

A motion was made by Commissioner Duhig to approve Pet. #2016-5 – Request for Variation from Impervious Surface Requirement at 10113 Maple Avenue, Dan Sheedy; the motion was seconded by Commissioner Kishta.

Roll call: Kishta, yes; Lundy, yes; Paruta, yes; Pembroke, yes; Zumhagen, yes; Duhig, yes; Egan, aye.

Motion to approve passes: 7-0-0.

*The Public Hearing was opened at 7:40 p.m.*

**V. PUBLIC HEARING:**

**A.) Pet. #2016-6 – Request for Parking Variation, and Variations from Parking Stall Length, Landscaping & Setback Requirements at 10745 Cicero, Hollis of Palos, LLC, petitioner.**

*Mr. Guy Hollis, Area Franchisee, 12313 S. 91<sup>st</sup> Avenue, Palos Park, IL.*

*Mr. Chris McGuire, McCon Building Corp., Building Contractor, 1059 Circle Drive, Highland, WI.*

*Mr. Tony Griffith, Development Project Asst., 336 N. Kensington Avenue, LaGrange Park, IL.*

Mr. Hollis explained that he is the area franchisee for Culver's. He indicated that his first store was built in Bridgeview on 92<sup>nd</sup> & Harlem; Mr. Hollis mentioned his other Culver locations that include the communities of Lyons, Evergreen Park, Berwyn, and Franklin Park. Mr. Hollis expressed that Culver's is a great family restaurant and that his stores are operated by both he and his wife. Mr. Hollis explained that he operates a made-to-order restaurant; he said there are a diverse group of people that frequent his stores. Mr. Hollis said he has been in the business since 2004.

Mr. Hollis indicated that he is looking to acquire the property at 10745 South Cicero Avenue. He explained that the plan is to acquire the property, demo the building, and start from ground up. Mr. McGuire explained that the building will be block construction with an EFIS exterior insulation and a cultured stone.

Commissioner Kishta asked what the hours of operations will be. Mr. Hollis responded that typically his stores operate from 10:00 AM to 10:00 PM. Mr. Hollis said that occasionally during the summer they will remain open until 11:00 PM. Commissioner Kishta mentioned that he recently visited the site and noted that the parking lot is in very bad shape. Mr. Hollis responded that he will be resurfacing the parking lot. Mr. Hollis commented that the building will be toward the center of the lot rather than the front of the lot. Commissioner Kishta commented on the reduced parking spaces and asked if it will be sufficient parking. Mr. Hollis responded that he feels that it will be okay. Commissioner Kishta asked Mr. Hollis about the number of parking spaces at the Bridgeview location. Mr. Hollis responded that there are approximately 70 parking spaces. He added that there are 50 parking spaces at his Evergreen Park store. Mr. Hollis also indicated that both the Berwyn and Lyons stores have approximately 40 parking spaces.

Commissioner Paruta asked Mr. Hollis if there will be any street parking. Mr. Hollis responded that it is not their intention. He commented that 40% of his business will use the drive-thru. Commissioner Paruta asked Mr. Hollis if he will be adding outdoor seating. Mr. Hollis replied yes. He said that he will be adding an outdoor patio and noted it on the site plan.

Commissioner Duhig said he noticed that there is seating for 80 patrons. He said he noticed that some of the stores are different. Mr. Hollis responded that there are two main designs. He explained that one design is the "classic" and noted that the Bridgeview store has the classic design which includes the blue metal roof which is a traditional style. He said the new store is the "Metro" design. He said it is

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approximately 4,000 square feet and indicated that it is a smaller footprint. He said the Bridgeview store has 140 seats but the Oak Lawn location will have 88 seats. Mr. Hollis expressed that the Oak Lawn store will serve the same function. He said the new design includes a lot more two-top tables rather than 4-top tables. He expressed that he will be utilizing the space better. Mr. Hollis commented that the first "Metro" designed store was the Lyons location. He indicated that the Lyons store has 92 seats. He mentioned that when they built the Lyons store it had the largest sales of any Culver's store for five years running.

Commissioner Duhig commented about the occupancy throughout the day and said that Culver's can have as many as 270 customers in one day. Mr. Hollis replied and said that an average day would be 500 transactions. He said an average transaction may be 2.2 people. Commissioner Duhig said he is trying to determine the number of customers that may come in for lunch. Mr. Hollis said on average half of his business is in for lunch and the other half is dinner. He said that he has three day parts: Morning, 10AM-2PM; Mid-day 2PM – 6PM; and then there is a custard rush during the warmer weather typically around 7PM. Mr. Hollis said he feels comfortable with the steady stream of business throughout the day. Commissioner Duhig asked if there is an average time per customer when the restaurant is at capacity. Mr. Hollis responded that it is dictated by lunch. He said most people have either a half an hour or an hour for lunch. Mr. Hollis said that most customers stay approximately 45 minutes although the dinner service may be longer.

Commissioner Pembroke said he was reviewing the variance and asked if there is 5' less around the perimeter of the property or if it is only at the east side of the property. He said he wondered how it would affect the landscaping. Mr. Gallagher explained that the building is not in the 5' setback but the vehicles are in the setback. He explained that the Village Ordinance includes parking on the subject of variances. Commissioner Pembroke asked if the setback is from the street or if it is from the building. Mr. Gallagher replied that it is from the property line of the adjacent neighbor and it is also on both the north and south side. Mr. Hollis said it would be his side of the sidewalk. Mr. Gallagher said the idea is to keep the construction within 5' of the perimeter of the property line. Commissioner Pembroke asked the petitioner if the landscaping on the property would be similar to the Evergreen Park location. Mr. Hollis responded that it is similar but the Oak Lawn location would have more landscaping around the perimeter of the property. Commissioner Pembroke commented on the variance for reduced parking stalls and asked if that will mean that it will be "tighter" in the parking lot. Mr. Gallagher explained to Commissioner Pembroke that the Village Ordinance currently stipulates 20' in parking stall length which is archaic. He said in the present day there are not long Cadillacs and big Broncos and that 18' is typically the industry standard. Commissioner Pembroke asked if there will be more contact time in the parking lot with the shorter stalls. Mr. McGuire responded that there will not be overhang and said the lane width meets the dimensions and so they are in compliance. Commissioner Pembroke asked if the drive-thru will be at the back of the building. Mr. Hollis replied yes. He presented a rendering which showed the drive-thru area of the site. Mr. Hollis said that he wants to keep the drive-thru away from the main entrance. Commissioner Pembroke asked if traffic can come in off of Cicero Avenue and drive the perimeter of the building to go back out onto Cicero Avenue. Mr. McGuire replied yes.

Mr. Gallagher commented on landscaping. He indicated that when staff met with Mr. Hollis he had mentioned that they would clean up the stone islands. Mr. Hollis showed the sidewalk at the south and pointed out the parkway. Mr. Hollis said the whole area around the perimeter is river rock. He said that the plan is to remove the river rock and add plantings. Mr. Hollis said they will be spending \$3 million dollars on this project.

Commissioner Egan asked about the seating in Evergreen Park. Mr. Hollis responded that the Evergreen Park building is 6' longer and has 102 seats. Commissioner Egan asked if there is a particular time throughout the year in which Culver's gets closer to capacity. Mr. Hollis replied occasionally say if they have a special promotion. He explained that on occasion they will have a fundraiser for a local school during the week. He also mentioned that the weekends are always busier and that during Lent he can get fairly busy on a Friday night. Mr. Hollis expressed that he feels he will be fine as far as seating. Mr. Hollis said his objective is to serve drive-thru customers in 4 minutes or less. He added that the in-store objective is 5 minutes or less. He expressed that they are turning people pretty quickly during operations.

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Commissioner Piazza asked whether 4-5 minutes is the average time is in Evergreen Park. Mr. Hollis replied that is the standard for all his stores. Commissioner Piazza asked Mr. Hollis if he met with the neighboring businesses or residents in the area. Mr. Hollis replied that he has not.

Commissioner Lundy asked about the traffic flow. He indicated that Papa Joe's traffic would go out to 108<sup>th</sup> Street but noted that Culver's traffic can go out onto Keating. Commissioner Lundy asked Mr. Hollis if there was a specific reason that the traffic flow did not go to 108<sup>th</sup> Street. Mr. Hollis responded that it is a parking issue. He explained that he will have parking on both sides of the building. Mr. Hollis commented that he had eliminated about 3-4 parking spots at the back section in order to allow for efficient circulation. Commissioner Lundy asked if the entrance and exits will be duo onto Keating. Mr. McGuire replied that one is ingress and the other is an egress. Commissioner Lundy asked if going out to Cicero is an entrance and exit. Mr. Hollis responded that is correct. Commissioner Lundy thanked Mr. Hollis for bring Culver's to Oak Lawn. Mr. Hollis expressed that the plan is to acquire the property in the next few weeks and that they anticipate opening in September.

***Mr. Richard Malinowski, Spitfire, 10711 South Cicero Avenue, Oak Lawn, IL.***

Mr. Malinowski expressed that he welcomes the development but has concerns of the traffic flow on Keating. He expressed that it is a mess. Mr. Malinowski said with the Medical Center and the dental offices, patrons are always parking in other parking lots. He indicated that he has signs posted at his business but people continue to park their cars in his lot.

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

A motion was made by Commissioner Kishta to approve Pet. #2016-6 –Request for Parking Variation, and Variations from Parking Stall Length, Landscaping & Setback Requirements at 10745 Cicero, Hollis of Palos, LLC; the motion was seconded by Commissioner Duhig.

Roll call: Egan, aye; Duhig, yes; Zumhagen, yes; Pembroke, yes; Piazza, yes; Paruta, yes; Lundy, yes; Kishta, yes.

Motion to approve passes: 8-0-0.

**VI. OTHER BUSINESS:**

**A.) Chairman Pro Tem:**

Commissioner Lundy expressed that he thought the parking stall length had already been changed in the Village Ordinance from 20' to 18'. Mr. Gallagher responded that the Ordinance was drafted and submitted to the Village Board along with the parking ratios but that the Ordinance request was tabled as the Trustees had some questions/concerns with the parking ratios. Commissioner Lundy asked if the request has to be presented as a "whole package" or if the parking stall length request can be submitted on its own. Mr. Gallagher commented that Counsel can remove the parking ratio language in order to have the Ordinance reflect the request to change the parking stall length from 20' to 18'. Mr. Gallagher commented that the idea is not to change the parking demand, rather to match the industry standard as far as parking stall length. Mr. Gallagher commented that the parking ordinance is archaic. Counsel said he can cross out the old language and include the 18' parking stall length. Commissioner Lundy asked the other Commissioners if they agreed with going in that direction. The other Commissioners agreed.

**B.) Members:** None.

**C.) Staff:**

Mr. Gallagher commented that because there are four new Commissioners, he feels it would be best to elect a Chairman Pro Tem on a meeting basis while the Commissioners get settled. He suggested that the more experienced Commissioners rotate the Chairman position for six months or so before having an election. The Commissioners agreed.

Mr. Gallagher mentioned to the Commissioners that there is online information on Planning & Zoning, for example, the highest and best use, land use, etc., He encouraged the new Commissioners to Google those topics or visit the APA (American Planning Association). He said if there are any questions please call him or stop in or reach out to the other Commissioners. Mr. Gallagher said he will try to get some

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links of reliable sources. Commissioner Lundy expressed that a lot of the variations are impervious surfaces or parking. He suggested googling the addresses or drive to the area. He said a lot of times he reaches out to the residents and introduces himself. He commented that most people, such as neighbors, do not want to come before the Commission. Commissioner Piazza said he and the other Commissioners are open to getting together or answering any questions. Commissioner Piazza reminded the Commissioners to identify themselves and show their ID when approaching residents about petitions.

Mr. Gallagher mentioned that the next P&DC will be more complicated than tonight's meeting. He said that some petitions are more complex, i.e., Advocate Hospital. He indicated that at the next meeting the Mancari Car dealership is acquiring the U-Haul property and U-Haul will then move over to 89<sup>th</sup> and Cicero. He expressed that there is a lot of moving parts with that particular petition. Mr. Gallagher said Mancari acquiring U-Haul is fairly straightforward but there is a zoning issue; he explained that at 89<sup>th</sup> & Cicero there is a PK zoned parcel, there is a vacated street that was never recorded, etc. Commissioner Duhig asked if the Commissioners can meet to discuss the upcoming petition rather than figure it all out at the next P&DC meeting. Commissioner Piazza said that would not be allowed. Mr. Gallagher reminded the Commissioners that they do not have to be experts on easement law or water main issues; he said the goal for this Commission is whether a petition will "fit with the neighborhood" and what impact it may have; Commissioner Kishta agreed. He said a petition should fit the planning and/image of Oak Lawn.

Commissioner Lundy welcomed the new Commissioners. He reminded the Commissioners that they should never be afraid to voice their opinion. He expressed that the Commissioners try to make Oak Lawn a good community. He commented that if a Commissioner ever feels that other Commissioners may be going in another direction, he feels it is important to communicate and express an opinion.

Commissioner Piazza asked Counsel whether there are any concerns if a new Commissioner wanted to go with him to review an upcoming petition. Counsel said he does not think it will be an issue as long as it is only two Commissioners. He expressed that three Commissioners or more would be a concern. Mr. Gallagher expressed that he also feels that more than two would intimidate a resident anyway.

D.) **Advisors:** None.

Counsel said that if the Commissioners want to move forward with the 18' parking stalls there has to be a vote before he can draft an Ordinance.

Commissioner Kishta made a motion to modify the parking Ordinance from 20' to 18' in parking stall lengths. The motion was seconded by Commissioner Paruta. Mr. Gallagher reminded the Commissioners that this motion was already discussed and voted previously but that we are asking Counsel to present it to the Village Board of Trustees as its own agenda item. Commissioner Lundy reminded the Commission that Oak Lawn is so landlocked so many parking variances come before this Commission. He explained that it appears that the variances are high but it is only because there is not much available parking. Mr. Gallagher agreed. He said that there are some cases that there is no parking available and it comes down to a business being operational or having a vacant storefront.

Roll call: Kishta, yes; Lundy, yes; Paruta, yes; Pembroke, yes; Piazza, yes; Zumhagen, yes; Duhig, yes; Egan, aye.

Motion to approve passes: 8-0-0.

**VII. ADJOURNMENT:**

A motion to adjourn was made by Commissioner Kishta and was seconded by Commissioner Egan.

Voice Vote: All in favor; ayes. Motion carries.

Meeting adjourned at 8:24 p.m.