

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

**Monday, July 1, 2013**

**Minutes #2013-10**

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

**A. Chairman:** Wayne R. Gray

**B. Commissioners:**

Sean Schrader	William Kushnerik ( <i>ABS</i> )
Tim Reilly	Bill Lundy
Dave Tebo	Rich Piazza ( <i>ABS</i> )
John Eggert	Wayne R. Gray
Hasan Kishta	

**C. Staff:**

Jack Gallagher, Village Engineer/Director  
Pat Connelly, P&DC Attorney  
Deanne Adasiak, Recording Secretary

**II. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Commissioner Schrader.

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

Motion to approve the minutes of #2013-9 – June 3, 2013 was made by Commissioner Reilly and was seconded by Commissioner Schrader.

Roll call: Gray, yes; Lundy, abstain; Kishta, yes; Eggert, yes; Tebo, abstain; Reilly, yes; Schrader, yes.

Motion carries: 5-0-2.

*The Oath of Office was administered by Chairman Gray.*

*Commissioner Eggert made a motion to modify the agenda and advance Item VI, C (Petition #2013-21) and Item VI, D (Pet #2013-2)2 to the beginning of the agenda due to the potential lengthy discussions of the other petitions.*

Roll call: Gray, yes; Lundy, yes; Kishta, yes; Eggert, yes; Tebo, yes; Reilly, yes; Schrader, yes.

Motion carries: 7-0-0.

**IV. PETITIONS:**

**C.) Pet. #2013-21 – Request for Rear Yard Variation for a New Residence at 8758 Natoma Avenue, Vincent Keane / Campus Construction, petitioner.**

*Mr. Vincent Keane, 8520 Mansfield Avenue, Burbank, IL.*

Mr. Keane indicated that he is seeking a rear yard variance to allow for construction at 88<sup>th</sup> Street & Natoma, the corner lot. He explained that due to the angled shape of the lot and the restrictive setbacks, it will require a variation. Chairman Gray stated that the petitioner is seeking a rear yard variation of 4'7.25".

Commissioner Reilly asked the petitioner if he plans to live at the subject property. The petitioner responded no, he intends to sell the property. Commissioner Reilly asked the petitioner how long he has owned the property. The petitioner replied four (4) months. Commissioner Reilly asked the petitioner if he knew a variance would be required. The petitioner responded no; He explained that he did not think he would need a 20' setback as the house next door only has a 25' setback. Commissioner Reilly asked the total square footage of the house. The petitioner responded 2800 square feet.

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

**Monday, July 1, 2013**

**Minutes #2013-10**

Commissioner Eggert said he does not have concern with the rear yard setback but asked if the utilities that service the property are at the back of the lot. The petitioner responded yes, and indicated that the electric and sewer utilities are in the back. Commissioner Eggert pointed out that the property would still be 17'5" off the lot line. Mr. Gallagher said the utilities would be in the back at 10 feet. Mr. Gallagher said typically an easement is five (5) feet on either side. Mr. Gallagher added that the sewer line runs along the north/south property line so the petitioner has 17' there which will be fine. Commissioner Eggert expressed to the petitioner that it is a beautiful house and mentioned that he heard some people thought there would be two houses built on the lot. The petitioner clarified and stated that there are actually two houses on the lot and there is a house at the inside lot. Commissioner Eggert asked the petitioner if he will need a variance for the inside lot. The petitioner responded no.

***John Volakakis, 9810 S. Marion, Oak Lawn, IL.***

Mr. Volakakis asked if the building plans are reviewed for impervious surface. Mr. Gallagher responded that the plans are reviewed when the petitioner comes in for the permit. He explained that the Building Department reviews the footprint of the lot and if it needs an impervious surface variance then there would be a petition for it. Mr. Volakakis asked if this building plan was reviewed for impervious for the structure, driveway, and sidewalks. He also asked if it is indicated on the application or plans. Mr. Gallagher responded that he does not have the calculations for this petition but that the Building Division measures the footprint and the lot. Mr. Volakakis asked Mr. Gallagher if he is stating that this property "*fits*" just as all the other properties that have been built *that do not*. Mr. Gallagher said any property that requires a variance, since the Ordinance that has been passed eight (8) months ago has been before this Commission. The Commission estimated that there have been four (4) or five (5) variations for impervious surface. Mr. Gallagher expressed to Mr. Volakakis that the Village is enforcing the impervious surface Ordinance. Mr. Gallagher indicated that typically a petitioner may come in with a higher amount for the variation and they end up putting in impervious pavers, or they shrink the area of pavement. Mr. Volakakis said he has seen previous minutes in which buildings have been granted variances to increase over and above the existing requirement. Mr. Gallagher said that this is the way the process works for variances. Mr. Gallagher expressed to Mr. Volakakis that this is the petition before this Commission today and if Mr. Volakakis wants to discuss other petitions, they can be discussed at another time. Mr. Gallagher encouraged Mr. Volakakis to come to the Village Hall to see the calculations for the subject property.

***Karina Padilla, 8754 S. Natoma, Oak Lawn, IL.***

Ms. Padilla indicated that she lives next door to the subject property. She explained that there have been standing water issues and sewage back up during the last thunderstorm. She indicated that Oak Lawn staff has been out to inspect the area and she expressed concern with adding construction and the probability of increased standing water issues. Ms. Padilla expressed that it has been severe standing water. Mr. Gallagher indicated that he has been working with an engineer to look at storm water detention and expressed that this has been the wettest spring in 142 years. He mentioned to Ms. Padilla that staff has received inquiries on storm or ponding water issues. Mr. Gallagher asked Ms. Padilla if she has had sewer back up. Ms. Padilla explained that the water sits on top of their landscaping. Mr. Gallagher explained that the home builder will be required to *not* slope his property toward the neighboring property, rather he must slope toward the street. The petitioner indicated that Landmark Engineering will be conducting a drainage study on the lot. The petitioner expressed that he is hoping to get the standing water out to the street and alleviate the problem. Ms. Padilla indicated that the sidewalk slumps and it does not make it to the street. Mr. Gallagher said if there is a drainage plan, it will help both the subject property and the neighboring lot.

A motion was made by Commissioner Eggert to approve Pet #2013-21 – Request for Rear Yard Variation for a New Residence at 8758 Natoma Avenue, and was seconded by Commissioner Reilly.

Roll call: Schrader, yes; Reilly, yes; Tebo, yes; Eggert, yes; Kishta, yes; Lundy, yes; Gray, yes.

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

**Monday, July 1, 2013**

**Minutes #2013-10**

Motion carries: 7-0-0.

**D.) Pet. #2013-22 – Request for Variation from Ord. #11-18-42 regarding Flatwork and Impervious Surfaces at 10308 Tripp Avenue, Terence & Erin Byrne, petitioners.**

*Erin Byrne, 10308 Tripp Avenue, Oak Lawn, IL.*

Ms. Byrne indicated that she would like to install an above-ground pool. She explained that her husband was in a car accident and the pool will be used for medical purposes due to her husband's terrible arthritis and problems with his spine. She expressed that they felt it would be convenient and her husband's doctor suggested the best exercise would be in water. The petitioner said that she knows the requirement is 50% and they are in excess of the allowable lot coverage. Chairman Gray stated that based on the engineers' estimate, the petitioner is at 53% of the lot coverage and is seeking to increase the lot coverage to 59% with a 21' diameter above-ground pool.

Commissioner Schrader asked the petitioner why she decided on a 21' diameter above-ground pool. The petitioner replied that she informed that she was in excess of the allowable lot coverage and was told she could appeal. She added that if they need to, she will reduce the pool size to a 18" diameter above-ground pool. Commissioner Schrader asked the petitioner if she has issues with standing water. The petitioner replied no. She said there have never been flooding issues; and pointed out that the pool would be placed near a sewer.

Commissioner Kishta asked the petitioner asked if there are any flooding issues with the subject property or her neighbors. She replied none at all.

Chairman Gray indicated that he had an 18' diameter pool for a number of years in his own backyard. He expressed to the petitioner that he understands that the doctor is recommending the pool for her husband's condition. Chairman Gray pointed out that given the territory we live in, his pool was utilized three (3) months out of the year. He asked the petitioner if anything else has been considered besides a pool. The petitioner replied that she is sure that for the other months of the year her husband will have to do some form of exercise. Chairman Gray made the suggestion of a hot tub. The petitioner expressed that when they moved into their home they had always wanted a pool. She explained that they had to put it off and added that since her husband's condition got worse the subject of a pool came up again and she expressed that they would also like to enjoy the pool as well.

Mr. Volakakis pointed out that the petitioner is at 50% already, and granting the variance will increase it to 67% over the impervious allowed so it will be doubled. He asked where you think that water goes. Chairman Gray referenced Mr. Volakakis' comment of 67%. Mr. Volakakis said the Ordinance is 30% and the variation will bring it to 67%. Commissioner Eggert clarified and stated that the Ordinance is 50%. Mr. Volakakis said it must have changed. Chairman Gray said it was changed approximately eight (8) months ago. Mr. Volakakis said he looked it up today and he did not see the change. Commissioner Eggert suggested that Mr. Volakakis go to the Ordinance and he will find footprints and amendments highlighted at the bottom in blue which will provide a hyperlink to the update. Mr. Volakakis asked the Commission if they were instrumental in increasing the impervious Ordinance to 50%. Commissioner Eggert replied they were not and that it was a vote by the Village Board of Trustees. Mr. Volakakis expressed that he does not think it was too wise considering the flooding that goes on in the Village for the last several years. Mr. Volakakis asked the Commissioners if they have any idea why this is happening. Mr. Gallagher stated that there was no impervious surface Ordinance before this one. He pointed out that prior to the Ordinance; a resident could pave their entire yard. Commissioner Eggert pointed out that there was an Ordinance on maximum lot coverage. Mr. Volakakis said if there was nothing before, how was it 30% and then increased to 50%? Mr. Gallagher said there were limitations but that a resident was allowed to pave concrete flatwork as much as they wanted. Mr. Volakakis asked the Commissioners if they feel that 50% is very wise. Commissioner Lundy expressed that this Commission is discussing a swimming

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

**Monday, July 1, 2013**

**Minutes #2013-10**

pool. Commissioner Lundy suggested that Mr. Volakakis discuss his concerns with his District Trustee. Mr. Volakakis responded that his Trustee does not sit on this Board. Commissioner Eggert expressed to Mr. Volakakis that his concern is a legitimate concern. Commissioner Eggert said he does not want Mr. Volakakis to suggest that anyone on this Commission or anyone on the Village Board is mindless or thoughtless with respect to water issues that this Village has. Commissioner Eggert stated that every single time an issue comes to this Commission, an issue needs to be addressed one way or another whether it be a resubdivision or a resident adding a pool; He stated that each item is decided, weighed, and deliberated very carefully. He said that this Commission have reviewed the Advocate expansion and new developments along 95<sup>th</sup> Street, and that the hydraulics issues of this Village have improved; Advocate is bigger than it was yet its ability to retain storm water is better than it was; the Bluestone Building at 4220 W. 95<sup>th</sup> will have better storm water retention when they are finished then what was there before. Commissioner Eggert stated that this Commission is not just approving all variances. He stated that there is a certain amount of discretion involved. Mr. Volakakis said that every item that gets approved that increases the impervious, is contributing to the flooding that we have been seeing for the last three to five years. Mr. Gallagher said prior to this Ordinance, a resident could pave their entire yard in concrete without a permit. Mr. Gallagher pointed out that the Ordinance was set at 50% and a permit is required for any type of concrete flat work. Mr. Gallagher expressed that it will not improve overnight, but it will improve over time. He expressed that these actions will help increase the impervious to get more infiltration. Mr. Volakakis said that this Commission will continue to grant variances. Mr. Gallagher replied that is how the zoning process works and that is what this Commission is here for, to hear petitions for variances. Mr. Gallagher expressed to Mr. Volakakis if he wants to discuss Village policy he is welcome to meet with him and the Village Manager at any time but as far as this petition goes, this is not the time to discuss Village policy. Mr. Volakakis said that he wanted this Commission to be aware that this little bit here and there is what is helping contribute to the problem. Chairman Gray responded that there are many cases of new construction in which contractors have to add additional type of drainage and/or water retention. Chairman Gray expressed to Mr. Volakakis that he cannot say that this Commission is not looking at the flooding concerns nor can this Commission be responsible for the heavy rains that create flooding around the Village. Chairman Gray pointed out that the Village of Oak Lawn is landlocked and cannot rip up every street to add in 40-inch sewers. Chairman Gray pointed out that he disagrees that the "little pieces here and little pieces there" are adding to the flooding problems. Mr. Volakakis replied that it does not reduce the problem. Mr. Volakakis said it sounds like the federal government, "a dollar here, and a dollar there", it does not add up. Commissioner Eggert pointed out that Mr. Keane is building two homes on his property and that Mr. Gallagher encouraged Mr. Volakakis to look at the plans, structure coverage, and the impervious surface coverage. He pointed out that in addition, Mr. Keane is going to have a drainage study; drainage engineering will help Mr. Keane's flooding issues. Commissioner Eggert expressed that he is willing to bet that Ms. Padilla's issues will be mitigated significantly, if not eradicated, and we will see better storm water management at the corner of 88<sup>th</sup> & Natoma then we see now. Commissioner Eggert indicated that the subject petition is going from 53% to 59%. He reiterated that he understands Mr. Volakakis' concern but he feels the Village has good storm water management. Commissioner Eggert mentioned that he was riding his bike down 52<sup>nd</sup> Avenue recently and noticed that people do not clean the maple seeds, branches, and debris from sewers which is part of the problem and why there is flooding in the street. Mr. Volakakis replied that he is not concerned about the streets; he is worried about the sewer systems. He is worried about the sanitary sewer system. Commissioner Eggert said the sanitary and storm water systems are two different systems. Mr. Volakakis replied not when it floods.

Commissioner Reilly made a motion to approve Pet. #2013-22 – Request for Variation from Ord. #11-18-42 regarding Flatwork and Impervious Surfaces at 10308 Tripp and was seconded by Commissioner Tebo.

Roll call: Schrader, yes; Reilly, yes; Tebo, yes; Eggert, yes; Kishta, yes; Lundy, yes; Gray, yes.

Motion carries: 7-0-0.

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

**Monday, July 1, 2013**

**Minutes #2013-10**

**V. TABLED PETITION (from 6/30/2013):**

**A.) Sub #2013-2 – 95<sup>th</sup> and Crawford Avenue First Resubdivision – 1 Lot at 4141 West 95<sup>th</sup> Street, Todd Mosher (Atwell Group), petitioner**

Mr. Gallagher indicated that the petitioner sent an email and like to meet with staff and are not ready to represent.

Commissioner Eggert made a motion to postpone Sub #2013-2-95<sup>th</sup> and Crawford Avenue First Resubdivision – 1 Lot at 4141 West 95<sup>th</sup> Street and was seconded by Commissioner Lundy.

Roll call: Schrader, yes; Reilly, yes; Tebo, yes; Eggert, yes; Kishta, yes; Lundy, yes; Gray, yes.

Motion carries: 7-0-0.

*Chairman Gray opened the Public Hearing at 8:05 p.m.*

**VI. PUBLIC HEARING:**

**A.) Pet. #2013-23 – Request to Rezone from R-1 (single-family) to C-2 (general service business) Zoned District at 9515 McVicker Avenue, DK Retail Development, petitioner.**

*David Shaw, Attorney Shaw Fishman, 321 N. Clark Street, Chicago, IL.*

*David Agosto, Vice President, Draper and Kramer, 33 West Monroe Street, Chicago, IL.*

*Larry DiVito, Vice President, Draper and Kramer, 33 West Monroe Street, Chicago, IL*

Mr. Shaw indicated that they are seeking several approvals this evening. He said this includes variances and rezoning of what is now a single family lot for the purposes of redeveloping the dominantly commercial southeast corner of McVicker and 95<sup>th</sup> Street. Mr. Shaw said this area lies in a substantial portion of the triangle created by McVicker, 95<sup>th</sup> Street, and Southwest Highway. Mr. Shaw said the property is currently occupied by the First Midwest Bank which is approximately fifty (50) years old with six (6) drive thru(s), a parking area for the bank, and a substantial portion of the property is occupied with overflow parking storage for Hawk Ford. Mr. Shaw expressed that it is a high profile, predominantly commercial area that they believe is underutilized and is generating very little revenue for the Village and minimum amounts of real estate tax revenues. Mr. Shaw said what they propose to redevelop is 75,000 square feet and the area of which they are requesting the change of the zoning is one single family lot of approximately 3700 square feet which is immediately south of property that is currently zoned C-2.

Mr. Shaw summarized the overview and indicated that the few remaining single-family lots along the east side of McVicker really are an isolated island in a triangle which is dominantly commercial. Mr. Shaw said any impact that the commercial zone has on the surrounding single family homes is a fact; it has already occurred. Mr. Shaw explained that from a best use perspective or an economic perspective, the addition of 3700 square feet that they are requesting will have significant impact on the immediate surrounding area. They think it is consistent to what is currently there. He said this redevelopment will enable them to

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

**Monday, July 1, 2013**

**Minutes #2013-10**

develop this property with a high quality national tenant, Walgreens. In addition, they will reconstruct the bank building creating a viable valuable commercial asset to the Village and a far more slightly corner scape.

Mr. Shaw showed the current view of what is now there. He expressed that it is dominated by parking and very little landscaping. Mr. Shaw showed First Midwest's proposed design with showed Walgreens set further back. He indicated that the development contemplates closing of the access on 95<sup>th</sup> street which they believe will have a positive effect for traffic and safety and they will be reducing the number of drive thru lanes for the bank from six (6) to three (3).

Mr. Agosto expressed that they are excited about the project; He indicated that First Midwest has been in the area for a long time and this is their new roll out and they are excited to do this in Oak Lawn. He said this will be their first prototype bank. Mr. Agosto said the existing Walgreens in Oak Lawn is an older, smaller store. He explained that the Walgreens today are doing new things with their Pharmacy and the shopping experience.

Mr. Agosto stated that Draper and Kramer is a 119 year old company. He explained that they are a multi-faceted real estate company (mortgage, development, management, etc.) They have developed towers downtown, the Old Orchard Center, Oak Brook Center, and Hawthorne Mills. He expressed that they do things as best as they can to benefit the community and the surrounding neighbors. He expressed that staff has been great to work with.

Mr. Agosto showed the proposed site plan. He explained that buildings will be staggered. He pointed out the recent remodel of Red Lobster and explained that instead of pulling the Walgreens property to the front to where the First Midwest Bank currently is they pulled them back off the street adding parking to the front and then First Midwest will stagger slightly north of Walgreens. He explained they gave it a staggered effect so everything does not look as if it is bunched in together. He indicated that they are closing the access point that is nearest to the Red Lobster access point. He said they are eliminating that access point and just keeping the one that is to the west of the bank. He reiterated that they will be redeveloping the bank: a 3100 square feet new facility to the west of their existing site. He indicated that they have substantial amount of parking for a 3100 square foot building.

He referenced the "new" Walgreens store. He indicated that typically a Walgreens store is 14,820 square feet and this proposed store would be 14,550 square feet with the necessary parking spaces.

Commissioner Eggert referenced the two curb cuts and the two egress and ingress on McVicker. Mr. Agosto said the southern access is just an "in".

Mr. Agosto discussed the alley vacation. He indicated that the alley going north/south is technically the drive aisle for First Midwest Bank. He said it functions as a drive aisle for First Midwest Bank and the bank will maintain it, i.e., plow it. He added that it dead ends at Lot 30.

Mr. Agosto showed a possible character elevation of Walgreens that Village staff asked them to look at; he indicated that the slide is the Walgreens store in Frankfort. Mr. Agosto pointed out that Walgreens may no longer be doing the angled entrance so it most likely will *not* be round.

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

**Monday, July 1, 2013**

**Minutes #2013-10**

Mr. Agosto showed the new prototype of the bank and expressed that there will be a lot of stone, brick, etc. Commissioner Reilly asked about the curb cuts for the drive thru and asked if they need IDOT approval. Mr. Agosto explained that they are closing one access and if they were opening additional accesses they would need IDOT approval. They still have to present it to IDOT because they are closing a very large curb cut.

Commissioner Reilly asked if they will be closing the Walgreens store at 95<sup>th</sup> & Melvina. Mr. Agosto said Walgreens will leave that location. He reiterated that that is a zoned retail location so the odds are high for a second generation tenant coming in which will generate two retail uses.

Commissioner Reilly asked if this Walgreens will have a Take Care clinic. Mr. Agosto responded and said probably not as there is one at Cicero. Mr. Agosto expressed that this will be a state of the art store.

Commissioner Kishta asked how many parking spaces they will lose for the new design. Mr. Agosto said currently First Midwest sits on a vacant lot that is used as storage for vans. Commissioner Eggert asked how many parking spaces they have. Mr. DiVito responded that they will have 62 parking spots for Walgreens which is a ratio of 1:234 square feet of floor space; the bank will have 23 parking spaces which is a ratio of 1:134 square feet of floor space. Mr. Agosto said they meet the handicapped parking requirements as well.

Commissioner Eggert said the petition reads that in order to facilitate this project the developers will have to purchase the residence at 9515 and asked if it was a done deal. Mr. Agosto responded that they are under contract. Commissioner Eggert said his concern of rezoning is the pushing out of a residential area. He said he counted six (6) pins; Mr. Agosto said there are four (4) additional homes and that some of the parcels are double lots. He said there are four (4) homes to the south along McVicker. Commissioner Eggert pointed out that the second house becomes the last house and the people that were in the second house are the ones who are under contract. Commissioner Eggert asked if this could be done without that lot. Mr. Agosto replied no. Commissioner Eggert asked why. Mr. Agosto said they would lose a row of parking to the front and then the bank would have to move forward. Mr. Agosto said the vacated alley is to the north of the house and it would be a little part of the building and part of the first drive-thru.

Commissioner Lundy asked if there would only be one drive-thru for the Walgreens property. Mr. Agosto responded that there will only be one drive-thru going south away from the bank's drive thru. Commissioner Lundy asked when the house gets vacated if it will run into the carryout for Walgreens and asked if the other lane will be used as a street for the bank. Mr. DiVito said the bank is asking for a bypass lane for its drive-thru.

Commissioner Eggert asked if the drive thru traffic for Walgreens is one way. Mr. Agosto said yes and pointed out the drive thru on the rendering. Mr. Agosto said the Southwest Highway access will be the most viable access. Commissioner Lundy asked if most Walgreens have two drive-thru(s). Mr. Agosto responded and said that is the older version; the new stores will only have one. He explained that Walgreens found only seven (7) people per hour use the drive thru lane. Commissioner Lundy expressed that it appears as if the area will be congested and asked if the lanes are wide enough. Mr. Agosto replied that it is plenty wide. He added that the plan was engineered.

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

**Monday, July 1, 2013**

**Minutes #2013-10**

Commissioner Schrader asked the petitioner to show the trash enclosure. Mr. Agosto showed the trash enclosure on the drawing. Commissioner Schrader asked if there will be a masonry wall that buffers between. Mr. Agosto replied yes and said the masonry wall will be six (6) feet.

Commissioner Schrader asked if this development could be accomplished without the acquisition of the homes. Mr. Agosto replied that it would not be viable for the amount of money that they are spending and not economically feasible for the bank to move.

Commissioner Schrader said there is something similar to this proposed development at 95<sup>th</sup> Street and Roberts Road in Hickory Hills. He added that there are a lot of blind "boulders". Mr. Agosto said there will not be anything covered here so when coming out, you will see the traffic moving in and out of the Walgreens parking lot. Commissioner Schrader asked if there could possibly be a way to develop this site without the acquisition of homes. Mr. Agosto replied no. He said the Walgreens store is a big investment. He said they are in a free standing store now and they will not be a multi-type tenant facility. Mr. Agosto expressed that Commissioner Schrader's point is well taken.

Chairman Gray referenced the area of an entry and exit per Red Lobster's approval. Mr. Agosto said it is assuming that they want it. Chairman Gray expressed that his concern is traffic flow. Mr. Agosto said that if Red Lobster approves, they will move the drive aisle to the south not to the north so it will be further away from Red Lobster's access point. Mr. Agosto reiterated that it is up to Red Lobster. Mr. Agosto said it would be 20 feet to the south of where it exists today. Chairman Gray asked if Walgreens will be a 24-hour operational store. Mr. Agosto replied that it is not for them to decide and that it is an operational issue. Mr. Shaw said the major difference in respect to traffic is that Walgreens really is an around the clock operation and there is no "peak time" like a Red Lobster with lunch and dinner.

Chairman Gray pointed out per the configuration that there was considerable amount of parking behind the bank. He said he counted forty-two (42) current parking spaces and according to the new configuration, parking would be reduced drastically for both customers and employees. Mr. Agosto commented that they are actually increasing parking spaces. Chairman Gray asked behind the bank? Mr. Agosto said for the Walgreens site plan, there will be sixty-two (62) parking spaces. He added that there will be twenty (20) more spaces for the Walgreens development than what currently exists for the bank. Chairman Gray said that is for Walgreens customers as opposed to bank customers and bank employees. Mr. Agosto said there are twenty-three additional spaces. Mr. DiVito clarified Chairman Gray's point that it is less parking. Mr. Agosto said when comparing the existing bank to the new bank, parking is less because the bank will be substantially smaller. He said it will be one floor versus two floors. Chairman Gray asked the ball park number of employees that will require parking spaces. Mr. Agosto responded seven (7).

Commissioner Eggert said considering the sea of black top on the lot he asked if the developers will be addressing additional storm sewers or additional drainage; he said being a commercial site there is not an impervious issue but asked if there will be different run off points or additional sewer plans. Mr. DiVito said this is Step 1 of the project and assuming that it is favorable they do not anticipate issues at this point. He said they have reviewed the plans provided with the sanitary location, the water main locations, and the electrical and they looked over the utilities and where they run now and where they will have to run and as far as design issues they have not seen anything that would make them short circuit their process for success.

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

**Monday, July 1, 2013**

**Minutes #2013-10**

Mr. Gallagher asked the petitioner to clarify the location of the masonry wall. Mr. DiVito said it is shown right on the property line. Mr. Gallagher said that it is along the east/west property line and along the north/south. Commissioner Reilly asked if it will be a six (6) feet *masonry* wall. Mr. DiVito responded that it would be a six foot masonry wall. Mr. Gallagher said the wall will have to be masonry as the Village has had problems with the pre-cast walls in the past. Mr. Agosto said it would be brick with limestone elements. Commissioner Eggert pointed out the line of the home under contract and asked if the wall would also be on the east line of the properties. Mr. Agosto said it would abutt the residential properties.

Mr. Gallagher indicated that along the north/south alley vacation, the developers originally talked about vacating 220 feet. He asked if the petitioners if they are actually vacating less and whether the garages vacate to the front to McVicker. Mr. Agosto responded yes. He said all the homes have driveways to McVicker. Commissioner Eggert said he noticed houses on the east side of McVicker with gates open to what used to be an alley. Mr. Gallagher said in order to petition it, half goes to each side; but in this case the developers will be acquiring one of those parcels so they will be vacating it and then purchasing the other piece. Mr. DiVito expressed that they have spoken to the homeowners and some are interested in selling their half and some are not and they are working through that process. Mr. Gallagher asked if any of the homes are rentals or foreclosures. Mr. Agosto responded and stated that one is in foreclosure and two are rentals.

***Richard Ostergren, 9909 Southwest Highway, Oak Lawn, IL.***

Mr. Ostergren expressed that redevelopment is great and he is not against it if it is done right. He indicated that 38 years ago he started selling real estate along Southwest Highway. Mr. Ostergren said he believes that all four parcels of the homes have an alley. He said the proposed plan is to buy out the owners for \$1,000 and take the Village alley away. Mr. Ostergren said the congestion of the drive thru is obvious and they developers are trying to squeeze  $\frac{3}{4}$  of a development to what should be a complete development package. He expressed that the area is so tight that there is neither green area nor space for storm water. Mr. Ostergren said he owns ReMax 10 on Southwest Highway and has done several Walgreens developments and is familiar with the process. Mr. Ostergren said the rezoning of removing the one home will be eliminating the buffer zone. He expressed that the concrete wall will be right on the property line. He said he was disappointed and feels that the answers to the questions were misled by the responses. He said the parking and alley were downplayed. In addition, he said the statement that some owners have agreed to sell is not true. He said he personally spoke to all the owners and nobody has agreed to sell. He pointed out the question on parking and what the bank will have versus what they have now he said he imagines the photo shown was taken on an average bank day. He said the new parking minus the handicapped parking spaces will be a total of 17 parking spaces. He said the developer's response will be that the bank is a much smaller building. Mr. Ostergren pointed out that the bank is currently not operating the 2<sup>nd</sup> floor. Mr. Ostergren pointed out the entrance on Southwest Highway. He said a commercial building is being added to the site and with the bank, the triple drive thru, and Walgreens, all that traffic is exiting to the one access.

***Mr. James Zart, 9548 S. McVicker Avenue, Oak Lawn, IL.***

Mr. Zart indicated that he lives on the west side of McVicker Avenue. He expressed that it looks like a very nice development but he has concerns as there is a lot of traffic going down the street. He said he proposed a cul de sac for this street fifteen years ago but was denied. He asked if there is a proposal for a cul de sac for this street to keep additional traffic flow off of McVicker. Chairman Gray said he is not aware of such proposal but Mr. Zart's concern of speeding should be addressed to the Police Department

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

**Monday, July 1, 2013**

**Minutes #2013-10**

and as far as a cul de sac and/or any other speed bumps would need to be brought up to the Traffic Review Committee to initiate a traffic study.

Mr. Zart said per the proposal they are keeping two entrances on the east side of McVicker. He expressed the intersection is dangerous with the McDonald's double drive thru on the north side, Taco Bell to the west, Fatso's, and three curb cuts at the Speedway gas station. He expressed concern with the proposed new business of high traffic flow and with the egress and ingress at McVicker and 95<sup>th</sup> Street and he asked if anyone else sees a red flag. Mr. Zart added that it looks too squeezed in and does not look as if it fits. Commissioner Eggert asked Mr. Zart if his concern is for the traffic flow on McVicker or for the egress and ingress for the additional traffic on 95<sup>th</sup> Street. Mr. Zart responded both. He expressed that he feels the development will add too much additional traffic on McVicker. Commissioner Eggert asked Mr. Zart if he had to pick between the two concerns, which would be the priority. Mr. Zart responded for him, it would be McVicker because he has a seven year old child and there are safety concerns. Mr. Zart said to Chairman Gray's point, he has called the Village several times and they do not enforce the traffic concerns on McVicker. Commissioner Eggert asked Mr. Zart if he knows the feelings of the residents on the 9500 block about closing the street off just south of the south driveway. He said traffic would have to go out to 95<sup>th</sup> Street. Mr. Zart said the residents would be more supportive to close McVicker at the north end. Commissioner Eggert responded that you cannot end McVicker at the north end; it would preclude access to both the businesses of the new development and Fatso's. Commissioner Eggert suggested that Mr. Zart bring his concerns to the Traffic Review Committee. Mr. Gallagher said if the residents on this block want to petition for a cul de sac or some type of traffic control at the alley, assuming it will not impact the commercial businesses, they can petition to the Traffic Review Committee. Mr. Gallagher mentioned that this also includes petitioning for signage such as "Local Traffic Only".

Mr. Agosto pointed out that even if they were not developing this proposed site, the site is a commercial lot and by right you can develop a commercial property on the Hawk Ford lot. Mr. Agosto added that they would be okay if the Village felt it was the right to cul de sac the street. He mentioned when this concern was brought up in other communities, they learned that it sets a precedent. Mr. Agosto reiterated that they would be okay if asked to do that. Mr. Agosto believes it affects the commercial corridor because you cannot go north on the side streets.

Mr. Zart pointed out the park at the north end of McVicker and the many children that play in the area. Mr. Zart said he supports development but safety is a concern too.

Commissioner Eggert asked Mr. Zart if the other residents in the area do not want a speed bump. Mr. Zart said he cannot speak for the other residents but indicated that he does not believe the other residents would be in favor of it. Mr. Gallagher expressed that what they usually find with speed bumps is that half the people like the speed bumps, and the other half do not. Commissioner Eggert asked the question, how many would like a permanent cul de sac. Mr. Gallagher commented that you do not know that answer until it is petitioned. Mr. Gallagher said McVicker is a cut through street and he feels that there will not be a generating of traffic from this. Mr. Shaw pointed out that the traffic summary that was prepared does address the traffic on McVicker. He indicated that while there will certainly be some cut through traffic it really does not significantly add to the cut through traffic. He pointed out the access points on McVicker, and the northerly access actually does exist and the southerly access point is replacing the two-way commercial access. Mr. Shaw said with regard to the speed of the cars it is problematic that they cannot adjust unless it is determined that the developer has to add a cul de sac or speed bump. Mr. Gallagher said the cul de sac would be a separate petition that would have to go to the Traffic Review Commission and initiated by the residents. Mr. Shaw said the property is zoned C-2 and the expansion of the C-2 zone is supported by the Village Ordinance which has the provision of accommodating an expansion of an existing business classification to an adjoining residential lot when essential for parking and traffic control. Mr. Shaw pointed out that it is Ordinance #4.6.1. Mr. Shaw said the commercial impact on the single family homes has already occurred and he believes that there will be an adverse impact. Mr. Agosto added that if it was determined that a cul de sac would be added, they are willing to pay for that cost. Chairman Gray

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

**Monday, July 1, 2013**  
**Minutes #2013-10**

reiterated that the cul de sac would have to be addressed by the Traffic Review Committee as it is a permanent fixture.

*Ms. Julie Frank, 9544 S. McVicker Avenue, Oak Lawn, IL.*

Ms. Frank pointed out the two entrance access points on McVicker and said the parking lot there now is used for parking only so they do not see traffic. Ms. Frank pointed out the traffic and litter that occurs down the alley and her concern of adding a 24 hr. business. Ms. Frank reiterated concerns of safety of the park, the high school, and the fact that there are no crosswalks on 95<sup>th</sup> Street. Ms. Frank expressed concern of the additional traffic and said it is a recipe for disaster.

*Ms. Linda Ciccone, 9527 S. McVicker, Oak Lawn, IL*

Ms. Ciccone pointed out that she uses her gate to go in and out and asked how the petitioners could close somebody in. Chairman Gray asked Ms. Ciccone if she has only one garage door that faces the alley. She responded yes. Mr. DiVito said that is inaccurate as Ms. Ciccone's garage door faces north. Chairman Gray asked Ms. Ciccone is if what she is saying is that if they close that alley, she will not have any way to get off the property. Ms. Ciccone responded they could not use that way. Chairman Gray said there is an option to go to McVicker so they are not land locking Ms. Ciccone by adding the retaining wall. Ms. Cyclone expressed concern for the children that are in the area.

*Mr. Fred Frank, 9544 S. McVicker, Oak Lawn, IL*

Mr. Frank asked if the Walgreens would be a 24 hour operation. Chairman Gray responded that they are not sure as the petitioners are the developers and it is up to Walgreens. Mr. Agosto indicated that 95<sup>th</sup> & Cicero is open 24 hours and the odds of this store having a 24 hour operation are not very good.

Mr. Agosto said the additional commercial is 30 feet to the south of the existing alley so if they were not asking for a rezone, the bank is zoned commercial and can be redeveloped into retail use. He expressed that those are the conditions today and you cannot prevent somebody from trying to develop on an existing commercial. He expressed that in the event they were not requesting the rezoning it is zoned commercial for the benefit of the Village and the benefit of the residents.

Mr. Shaw reiterated that it is a General C-2 zoning classification and there are far more intense uses in terms of traffic that are permitted under that zoning classification. He expressed that Walgreens' customer base is spread out so it is a fairly benign use. He said the drive thru is a typical pharmacy drive thru very sparsely used when compared to a Starbucks or a McDonald's that may generate 30-40 trips an hour a Walgreens may only generate 30-40 trips a day. Mr. Shaw said it is a quiet operation and is used as a convenience. Mr. Shaw expressed that what they are proposing is very appropriate for the area. Mr. Agosto added that privacy is very important to Walgreens and the drive thru uses a hand system, not an intercom system.

Mr. Frank expressed that you have to look at the safety of the residents.

Commissioner Lundy asked Counsel if the property owners do not grant the buyout to vacate their alley, how this Commission could vote on the variance. Counsel replied that the alley can still be vacated and half of the alley would go the owners. Mr. Agosto said the reason that is the case is because alleys always belong to the parties and when Villages came in and instituted alleys, they took half from one owner and half from the other. Commissioner Lundy asked if it will be enough room with adding the fence, etc., if they can still operate in that space. Mr. Agosto responded yes. Mr. Gallagher asked if they were discussing the east/west alley or the north/south alley. Mr. Agosto responded only the north/south as they own both sides of the east/west. Mr. Gallagher stated that the site plan could work either way whether or not they get the other half from the residents on the north/south.

Mr. Volakakis commented on increased traffic flow and said McVicker is a secondary street and if you add a cul de sac at the end of the alley all the people can only go west. Chairman Gray expressed that the topic

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

**Monday, July 1, 2013**

**Minutes #2013-10**

is getting off track with cul de sacs which is not a particular issue at this time and would have to be reviewed by the Traffic Review Commission.

*Mr. Alan Helstern, 9517 S. McVicker Avenue, Oak Lawn, IL*

Mr. Helstern said he sees the traffic on McVicker and the Midwest Bank does a considerable business through the drive thru. He said a lot of the traffic comes from McVicker up the alley and a lot of traffic comes from northbound Southwest Highway. He believes that the traffic going northbound on Southwest Highway is going to use the existing entrance to go to the drive thru. He believes that the traffic will not go around the Walgreens around the bank they will go to McVicker, the easiest way. He asked why they do not close the McVicker entrance then traffic cannot get in there at that access. Commissioner Eggert stated that no one could if they closed that entrance. Chairman Gray said that would close off the drive-thru completely. Mr. Helstern said traffic could be diverted along the west side of the bank that feeds into the drive up lanes. Chairman Gray replied that is the exit for the drive thru. Mr. DiVito said they would still be coming off of McVicker Avenue.

Mr. Helstern asked about the masonry wall and what it will do to the surface water. Chairman Gray said that will be reviewed by the Engineering Department. Mr. Gallagher commented that when a development is constructed, they are responsible to collect their storm water and to add storm sewers. He expressed that it will not go on to the adjacent properties. Mr. Gallagher asked Mr. Helstern if his downspouts are flowing onto his adjacent property. Mr. Helstern said they are down spouting on his property. He said the water is flowing onto the McVicker alley. Mr. Gallagher said that someone could help Mr. Helstern adjust his downspouts to the west to get the water out to the street and away from the yard.

Mr. Helstern expressed that there is no "greenage", i.e., no trees, and bushes to absorb the noise. Commissioner Schrader asked when they vacate the alley, will they add landscape. Mr. Agosto responded that right now they have 5' of landscape and they will add trees. Mr. DiVito expressed that the best impediment to sound will be the masonry wall.

Commissioner Lundy pointed out the earlier statement from Mr. Agosto that they would agree to pay for the cul de sac; he expressed that the cul de sac would alleviate 95% of the concerns. Mr. Gallagher suggested that this development go forward subject to approval and if there is an issue, the petitioner indicated that they would pay to do the cul de sac and that approval would be independent of this petition. Mr. Gallagher said it would go to Traffic Review and if that Committee supports it then it would go to the Village Board. He expressed that it allows some flexibility. Chairman Gray reiterated that the petition would have to start with the residents of McVicker.

*Mr. Larry Deetjen, 5100 West 96<sup>th</sup> Street, Oak Lawn, IL.*

Mr. Deetjen said he would be more than happy to meet with the neighbors, since they are all present, after this meeting to discuss the process of Traffic Review.

Mr. Deetjen suggested that the motion include what the developer has offered; that if there is an agreement on traffic mitigation or traffic calming, that the developer be responsible for the financial cost of that as opposed to the neighbors and/or the Village.

Mr. Ostergren pointed out concern of the alley. He expressed that traffic cannot be on an alley that is only 10 ft. wide. He pointed out his earlier concern of developing  $\frac{3}{4}$  of a development and expressed that the best development for this site is to eliminate the four (4) other residences. He said he believes everyone would be willing to sell at the fair market value.

Commissioner Eggert expressed that his initial thought when he looked at the plans was why not take the entire corner. He said the flip side of that, as some of the residents have strongly suggested, is the encroachment of the commercial district into the residential area. The question is how far they need to go to do the development that they want to do and have as little impact on the residential area as they possibly can. He reiterated that they are taking as little of the residential area as they can to get the maximum out

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

**Monday, July 1, 2013**

**Minutes #2013-10**

of their property with the minimum intrusion into the neighborhood subject to addressing potential traffic issues.

Mr. Agosto pointed out that they will also be moving some electrical poles underground along the alley that exists east and west. Mr. Agosto said everyone will benefit from the infrastructure.

*The Public Hearing was closed at 9:26 p.m.*

A motion was made by Commissioner Eggert to approve Pet. #2013-23 – Request to Rezone from R-1 (single-family) to C-2 (general service business) Zoned District at 9515 McVicker Avenue subject to the comments addressed by Village Manager Deetjen to incorporate in the approval the agreement that whatever traffic resolution will be done at the cost of the developers and was seconded by Commissioner Reilly.

Roll call: Gray, yes; Lundy, yes; Kishta, yes; Eggert, yes; Tebo, yes; Reilly, yes; Schrader, yes.

Motion carries: 7-0-0.

**VII. PETITIONS:**

**B.) Pet. #2013-24 – Vacation of Two Alleys: a 20' Wide East/West Alley South of 95<sup>th</sup> Street, East of McVicker, for a Distance of 141.12 Feet, and a 20' Wide North/South Alley South of 95<sup>th</sup> Street, East of McVicker, for an Approximate Length of 210 Feet South, DK Retail Development, petitioner.**

Commissioner Reilly mentioned that the vacation of the alley is subject to property tax and asked the petitioner if the residents understand this. Mr. DiVito responded yes.

Mr. Gallagher asked the petitioner to clarify the length of the alley. Mr. DiVito indicated that the north/south alley is 210 feet. He said the site plan shows that they do not need the southern single-family homes. He stated the whole alley will still be vacated.

A motion was made by Commissioner Reilly Pet. #2013-24 – Vacation of Two Alleys: 20' Wide East/West Alley South of 95<sup>th</sup> Street, East of McVicker, for a Distance of 141.12 Feet, and a 20' Wide North/South Alley South of 95<sup>th</sup> Street and was seconded by Commissioner Kishta.

Roll call: Gray, yes; Lundy, yes; Kishta, yes; Eggert, no; Tebo, yes; Reilly, yes; Schrader, yes.

Motion carries: 6-1-0.

Counsel expressed that we will make every effort to get this on the July 9<sup>th</sup> agenda.

**A.) Pet. #2013-25 – Request for Front, Rear & Side Yard Setback Variations at 6001 & 6021 West 95<sup>th</sup> Street, DK Retail Development, petitioner.**

Mr. DiVito said on this site there are setback issues; He indicated that the requirement is 5' off of 95<sup>th</sup> Street and they pushed that down to a minimum of a little over a foot; the abutting single family to the south it is a 10' requirement or a 5' requirement depending on which part of the Ordinance is cited, differed by the landscape requirement or the expansion of a commercial district. Mr. DiVito indicated that they have 5' only on the south side. Mr. Gallagher asked if the 5' is the landscape buffer. Mr. DiVito replied that it is the masonry wall and the landscape buffer. Mr. Gallagher asked if there are any structures. Mr. DiVito replied there are no structures; the earlier plan showed the refuse container for the bank but it has been relocated. Mr. DiVito said another plan showed the enclosure against the bank building but the bank did not want it there. Mr. DiVito said the Walgreens has a similar setback variation request along where the alley is being vacated. He said if they are able to purchase the other 5' or work out a deal to landscape. Mr. DiVito said whether or not they get the 10', the buffer will be a minimum. Commissioner Eggert asked with the north/south alley, could they go with landscape only and have an opening for the residents that currently have access. Mr. DiVito responded that it would not work. He explained that it would impede the traffic flow of the Walgreens Pharmacy which is a priority for them. Commissioner Lundy

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

**Monday, July 1, 2013**

**Minutes #2013-10**

asked if a deal is reached with the residents, will they push the barrier back or will it stay. Mr. DiVito said if the residents want to work with them, they are happy to come up with a suitable arrangement. He said if the residents do not work with them, the masonry wall will be on the property line. The driveway would be up against the wall.

Commissioner Reilly asked if they were able to purchase their property, would they move the wall. Mr. DiVito responded that they could and add landscaping.

Commissioner Schrader asked if the developers looked at using permeable surfaces for landscaping such as impervious pavers. Mr. Agosto responded that they did but the pavers did not hold up well to commercial traffic.

Commissioner Eggert made a motion to approve Pet. #2013-25 – Request for Front, Rear & Side Yard Setback Variations at 6001 & 6021 West 95<sup>th</sup> Street and was seconded by Commissioner Reilly.

Roll call: Schrader, yes; Reilly, yes; Tebo, yes; Eggert, yes; Kishta, yes; Lundy, yes; Gray, yes.

Motion carries: 7-0-0.

**VIII. Discussion of Generator Ordinance and Noise Ordinance.**

Commissioner Eggert made a motion to postpone the discussion of the Generator and Noise Ordinance and was seconded by Commissioner Kishta.

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

Motion carries.

**IX. OTHER BUSINESS:**

A.) **Chairman:** None.

B.) **Members:** None

C.) **Staff:** None

**X. ADJOURNMENT:**

A motion to adjourn was made by Commissioner Eggert and was seconded by Commissioner Reilly.

Voice vote: All in favor, aye.

Motion carries.

*The meeting adjourned at 9:46 pm.*