



CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
READING OF AGENDA – ADDITIONS, DELETIONS

NEW BUSINESS

1. ZC#21-025 Malecky Temple Subdivision – Subdivision and Variation: **PUBLIC HEARING** – This meeting will be held to give notice for this matter to be discussed during the November 17, 2021 Planning and Zoning Commission Meeting at 7:00 pm.

APPROVAL OF THE MINUTES

October 20, 2021

CITIZEN PARTICIPATION

ADJOURNMENT

CITY OF OAK FOREST

PLANNING / ZONING COMMISSION MEETING MINUTES

Wednesday, October 20, 2021

The Planning & Zoning Commission meeting was called to order at 7:05 p.m. with Roll Call.

PRESENT: Commissioner Mike Forbes
Commissioner Ken Keeler
Commissioner Chuck Wolf
Commissioner Michael Ziak
Chairman Jim Stuewe
Staff Member Paul Ruane

ABSENT: Commissioner Dave Kerr
Commissioner Sal Mosqueda
Commissioner Wayne Schroeder

1. ZC#21-025 Malecky Temple Subdivision – Subdivision and Variation: PUBLIC HEARING -
The applicant requests consideration of a plat of resub division that will subdivide two lots into three and create the Malecky Temple Street Subdivision and a variation request for lot width of lot 2 and lot 3 and such other and further zoning relief as may be required in the R2-Single Family District at 14815 Temple Street.

Community Planner Ruane informed the Commission this item was originally brought before Planning & Zoning in 2019, again in 2020 with different reiterations of the same idea; since then it has been refined. He presented a PowerPoint showing the different plats and areas being discussed. (The main two being a red square depicting where the houses would be built and a yellow triangle as right of way/set back area) He detailed the potential lot sizes, with two being under the minimum requirement, and the buildable footprint for each. Public Works has confirmed there is the ability to link in to the utilities at this site; what would need to be provided is the developer proposing what would be the drainage, which would be reviewed by staff to verify it meets the engineering standards and requirements.

Mr. Forbes asked if the triangle is in Oak Forest and the square is Unincorporated Cook County; Planner Ruane affirmed. Mr. Forbes then asked if the Commission is looking to approve subdividing a property that isn't in the City of Oak Forest. Planner Ruane explained what is up for approval is a recommendation to approve a subdivision, this will run concurrently with the agenda for City Council to annex to Oak Forest. Per legal counsel, there is no issue with doing one before the other, as this commission does not make the final determination.

Mr. Wolf wondered if the triangle would be part of it; Planner Ruane affirmed it is annexed and would be primarily right of way. Mr. Wolf then asked who owns that part of the property. Planner Ruane explained it would be with the properties with part being right of way. Mr. Wolf asked what the conformity of the homes around there has as lot sizes. It led to a discussion of lot sizes, including those in cul-de-sacs.

Mr. Forbes explained that certain properties were oversized because they're on turns where they are corner lots; typically, those lots are pie shape which is larger because you can't squeeze that many in there. He thinks going with two 80-foot lots would stay with the rest of the houses in the subdivision. Mr. Wolf added especially the third one, which is cut down, and being given a longer driveway; he is having a hard time seeing how it conforms. Mr. Wolf responded he was always concerned about the ingress or egress to the third property.

Mr. Ziak asked if the setback follows the radius of the street; Planner Ruane affirmed. Mr. Ziak asked if the house on lot three could be pushed further to the South than lot one; Planner Ruane again affirmed. Mr. Ziak pointed out by that, right they wouldn't have a giant driveway, as discussed previously. Planner Ruane explained this concept is from a previous meeting, but the house is set back by the curvature of the road and as close as possible to Temple Street; not to say this is the final plan, it is something that would be figured out but the Planning and Zoning Commission can be put a setback as a condition of approval. Mr. Wolf feels moving the house up would make the house to the East their viewpoint within their front yard. Planner Ruane asked if Mr. Wolf would, rather the houses be straight across the board, as he thought it was decided that was unfavorable. Mr. Wolf is more concerned and questioning the whole concept of three homes.

Kim Malecky-Isles stepped forward on behalf of the petitioner and reiterated that it has been before the Commission, reviewed, and altered several times and they are open to discussion, but three lots seems to be favorable to the area. There are other homes in Oak Forest that are fifty feet wide, and in the subdivision sixty feet wide; if the house needs to be pushed back in order to be esthetically pleasing she doesn't see why it can't be looked over. As far as the development, they are meeting what needs to be required and asking for the small variance to finish off this project.

Mr. Ziak asked Mr. Wolf if Temple made a regular 90-degree angle and wasn't curved would that make a difference. Mr. Wolf feels the houses would align appropriately in that situation. This led to a short discussion on irregularities and lot sizes. Mr. Wolf is not that concerned about the depth of the homes. Chairman Stuewe pointed out that if it were a 90-degree angle it would be all squared down the road; the offsetting makes some contrast in the area.

Mr. Forbes pointed out that looking at the other bends in the street, lot 8 (14808 Temple Street) is parallel to the street as are other lots, but these three lots are not parallel to the street. There was some discussion while viewing the lot visuals. Community Planner Ruane asked Mr. Wolf if he is asking the developer to rotate the houses, Mr. Wolf replied it's what you can do with the lot, not rotating a house. After more discussion Mr. Forbes added that the lots could be made the same way as lots on 5239-5243 Temple Street, just flipped; the house would be turned parallel to the street.

Chairman Stuewe opened questioning to the floor.

Mr. Dean Judickas, of 14750 S. Laramie, approached the commission. Mr. Judickas asked if this has been worked on since 2019/2020; Chairman Stuewe replied yes. Mr. Judickas asked if it was Mr. Malecky who proposed this two years ago; Chairman Stuewe confirmed. Mr. Judickas asked how long Mr. Malecky has owned the property (the little triangle); Mrs. Malecky-Isles answered since the original development, which is assumed to be over thirty-five years. Mr. Judickas stated Mr. Malecky owned the outlot for thirty-five years and did nothing with it; the 166' x 600' farm lot behind Mr. Judickas recently sold the property to Mr. Malecky two months ago for \$35,000.

He asked who owns the property that is being considered for annexation; Planner Ruane answered it is a private owner. There was a tax split, the portion that was split was purchased by Mr. Malecky and the remaining is not contemplated in this subdivision. Mr. Judickas asked if the property had already been split prior to the meeting, with Mr. Malecky currently owning the 166' x 125' deep; Planner Ruane affirmed. Mr. Judickas asked who owns the unincorporated property under going development; Planner Ruane is not familiar with who owns that property. Mr. Judickas asked if the Planning Commission or Planner Ruane suggested that R1 zoning might be more appropriate to the area since it's surrounded by property on both sides with R1 zoning, in which case you would have an 80' lot. Planner Ruane answered no, this was going to be accessed off Temple Street, which that entire subdivision was in the R2; one side is unincorporated, the other side is R1 zoning off of Laramie Avenue. Mr. Judickas asked why the city would not want to annex in the whole property, like Mr. Forbes said; it's been under discussion for twenty years that there's property in Oak Forest that is unincorporated but people are getting the services. Planner Ruane reminded Mr. Judickas that is not a discussion for this evening. Mr. Judickas asked if was discussed over the last two years and Planner Ruane said it had not come up. Mr. Judickas asked if everyone was served notice because it sounds like this discussion has been going on for a couple years, and nobody really knows; the only reason he found out about it is because the surveyor was staking their lot. Planner Ruane explained everyone within 250' received a certified letter, to which he has received back the green cards notifying him they have been received by the other parties, and that is standard procedure. Mr. Judickas asked if it's possible to receive a copy of the service list; Planner Ruane affirmed. Mr. Judickas asked if it would have made sense, if it was in discussion two years ago, to let residents know about this and provide input before getting to the final decision. Planner Ruane explained they weren't at the point yet of making an actual determination, they were asking for the temperature amongst Planning & Zoning, whether they would be willing to give a variation as well as a subdivision in this location. It was no more than a ten-minute conversation in each one to which they've been pointed one way or another as well as getting favorable feedback. They felt at this point they were ready to move to that next step, and this will obviously allow the public to come in and give their comments. Mr. Judickas asked if it was uncommon or strange that they were working on something for two years and then two months ago he (Mr. Malecky) purchases the back half of the property like it's a done deal; it sounds like it's a done deal. Planner Ruane explained each has their own way of developing property; it doesn't mean the city is going to approve whatever happens. If he feels comfortable in buying it, the city is can't enforce anything against that. Mr. Judickas asked where the setback for the corner is and who owns the property just east where the park is located. Planner Ruane informed him it is the Park District and it is unincorporated. Mr. Judickas asked if they were served, Planner Ruane affirmed. He then asked if the school district owns the property and Planner Ruane said no. Mr. Judickas referred to the red box saying he thinks it goes back further to the right, and then asked if anyone from Planning & Zoning has walked the property, three members raised their hands. He addressed Mr. Wolf saying, if you're walking down the path you're going to walk right into the house; the house would be ten feet off the North end of the walking track. Mr. Wolf answered he hasn't seen the dimensions and couldn't say because there is no house there. Mr. Judickas asked where the setback would be and where would the home be placed. Planner Ruane referred to the PowerPoint slide saying the setback line is the dotted line, 25' from the front of the property. Mr. Judickas said the building line shows 25' from the curvature of the road, Planner Ruane affirmed. Mr. Judickas continued, most cul-de-sacs houses are perpendicular on a turn and they face the road; looking at the screen this home would be placed at the 25' setback line and people walking around the park will be looking right in the side windows of the home, is that correct? Chairman Stuewe replied the way it looks there would be no one looking in windows. Mr. Judickas asked if the R2 yellow triangle goes back 166', then asked for the dimensions of the triangle. Mr. Judickas said the concern is if you are walking down there,

you will see the home; the other concern is at the south end of the park it floods and people are not able to walk around the entire park or use the swing set. There is a huge concern that if you put homes on this property, right on the property in question, now the north end of the property will flood. There are major concerns with the flooding this will cause. He asked if the section marked OS was for retention, Planner Ruane affirmed. The information on page 5 says that this will be open space or a park, what was the thought that this would now be park area or open space, what is the future land use proposed as. Planner Ruane explained that is just an open category for the drainage basins, similar to the detention pond behind Food 4 Less. Mr. Judickas asked if it wouldn't be a park, but just an open space or detention, not really used for anything; Planner Ruane affirmed. Mr. Judickas asked if the property will dump into that detention area as part of the drainage; Planner Ruane explained his assumption would be that is what they would try to tap into and they would have to provide city staff with the calculations that there is more room to add to that. Mr. Judickas asked if the original plan for the lots was 39' x 100'. Planner Ruane said no they were all at 55' x 150', he thinks Mr. Judickas was talking about the building footprint. Mr. Judickas asked Planner Ruane what he sees as any cons to this project as proposed; Planner Ruane answered the only thing that goes beyond his expertise is trying to fit a house within a 50' lot, he could see that potentially being an issue. Mr. Judickas brought up being able to see peoples house from the walking track and after a brief discussion Chairman Stuewe said from what they can see the house is nowhere near 15' from the track and you will not be walking their property line while walking the track. Mr. Judickas asked if any impact fees would be paid to the school district; Mr. Forbes said no. Mr. Judickas asked if Mr. Malecky has been taking care of his property for 35 years, Mr. Forbes did not know off the top of his head. Mr. Judickas asked how the principal and school board have not been invited to the meeting or know about the development; Planner Ruane explained it would be the Park District's responsibility as they aren't within 250' of the proposed subdivision. Chairman Stuewe informed Mr. Judickas that they have not been working on this for two years; it has been around for two years, the meeting tonight was only the third time they have heard something and nothing was ever resolved.

Mr. Robert Burns, of 14816 Temple, approached the podium. Mr. Burns has no problem with Mr. Malecky, just the houses being placed where they are. They are asking for two lots under 60'; it is completely unaesthetic to the area and doesn't match any other properties in the area. He feels the three smaller lots should be withdrawn and made a two lot subdivision. With three properties, the houses will not be facing the street. The park and the track that sits in the park, from the curb, is only about 36'; the house will be within 40' of the curve and half the house will be in front of the track so people will be looking in to the house. He hopes they will not be taking the extra property tax bill into consideration. Chairman Stuewe explained he felt there was a misconception that three lots were a given. He explained it was a matter of recommendation and having the public talk about it to make their decision.

Mrs. Jennifer Sandoval, of 5231 Temple, approached the podium. Mrs. Sandoval lives directly west to the subdivision, next to potential lot 1. She explained there are many trees leaning over her property, and dead tress behind them on this lot, and she would be happy with them being taken down, as they are a potential hazard. She has a concern with the garage placement, and asked if it could possibly be moved, especially because the trees cause a blind spot on Temple. She suggested possibly adding a cul-de-sac to resolve the issues.

Mr. Walter Spreadburry, of 5243 Temple, approached the podium. Mr. Spreadburry lives in a house in the cul-de-sac. His concern is the water run-off created by the homes, no matter how many there are. There are times the retention pond that exists is incapable of handling the water now, more homes will only add more water.

Mr. Burns approach the commission again. Based on the PowerPoint, Mr. Burns pointed out in the middle of the green lot there is a natural drainage that runs to the storm sewer, and when there is heavy rain, they get a large river of water running down the back of their lots. They have had water 10' from the house in a 60' deep lot; the retention pond cannot handle what's there now. Mr. Forbes explained a drainage plan will have to be submitted and Public Works and the engineer will have to review it to make sure it's acceptable. Chairman Stuewe asked if they would change the drainage area, and Planner Ruane answered, it's possible they may have to do additional to capture more than what it's built for.

Chairman Stuewe asked the Commissioners if they would rather go with three or two. The majority said two lots with the exception of Mr. Ziak, who voted for three lots. The recommendation for Mr. Malecky is the Commissioners would like to see two lots. Mr. Wolf added it's what fits. Mr. Forbes asked if they will vote on the three lots or table this, Chairman Stuewe replied table.

Mr. Forbes made a motion to table this item.
Mr. Wolf seconded.

Chairman Stuewe requested a motion to table PZC Resolution 21-025 recommending approval to resub divide the lots at 14815 Temple Street requesting the applicant return with the plat divided into two lots.

AYES	NAYS	ABSTAIN	ABSENT
Mr. Ziak			
Mr. Forbes			
Mr. Keeler			
			Mr. Kerr
			Mr. Mosqueda
			Mr. Schroeder
Mr. Wolf			
Chairman Stuewe			

Motion to approve the request to table a subdivision at 14815 Temple Street, carried 5-0-0 with 3 absent.

Chairman Stuewe requested a motion to approve the meeting minutes from October 6, 2021.

Motion to approve made by Mr. Ziak.

Seconded by Mr. Forbes.

Carried by voice vote.

Chairman Stuewe requested a motion to adjourn the meeting.

Motion to adjourn made by Mr. Wolf.

Seconded by Mr. Forbes.

Meeting Adjourned at 8:27 p.m.

CHAIRMAN JAMES STUEWE

DRAFT