

**CITY OF OAK FOREST**

**PLANNING / ZONING COMMISSION MEETING MINUTES**

**Wednesday, May 5, 2021**

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The Planning & Zoning Commission meeting was called to order at 7:03 p.m. with Roll Call.

**PRESENT:** Commissioner Ken Keeler  
Commissioner Dave Kerr  
Commissioner Sal Mosqueda  
Commissioner Wayne Schroeder  
Pro-tem Chairman Chuck Wolf  
Commissioner Michael Ziak  
Staff Member Paul Ruane

**ABSENT:** Commissioner Nick Zembruski  
Chairman Jim Stuewe

Motion to elect Chuck Wolf as Chair Pro-tem made by Commissioner Mosqueda and seconded by Commissioner Ziak. Motion to approve carried by voice vote.

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1. ZC #21-009 Maziur Residence – Garage and Driveway Variation: **PUBLIC HEARING** - The applicant requests review and recommendation of variation to allow a second garage and a second driveway as well as a garage beyond the allowed floor area square footage and such other and further zoning relief as may be required in the R1 –Single Family District at 5001 152nd Street, petitioner Peter Maziur.

Staff Member Ruane led the presentation of the case and reviewed staff report.

Peter Maziur, the petitioner, 5001 152<sup>nd</sup> Street was sworn in.

Chairman Pro-Tem Wolf asked if the initial proposal was to attach the garage to the house

Mr. Maziur replied stating he did look into attaching the garage to the house but movement of ground excavation and the cost was astronomical.

Chairman Pro-Tem Wolf directed the question to Mr. Forbes and asked if this should be approved would there be a recommendation or requirement of a drainage plan?

Mr. Forbes replied yes they will look into a drainage plan but there is a substantial cost if attached to the house because it will require a full foundation as opposed to putting it on a slab.

Mr. Ziak asked who owns the property to the south.

Mr. Maziur stated that the bank owns the property.

Mr. Ziak asked if he considered making it smaller so it will not require a drainage plan.

Mr. Maziur confirmed that he would be open to that.

Mr. Ziak asked why is a structure like the deck and pool considered a hardscape.

Mr. Ruane explained that there are two different parts of the zoning code. One being impervious surface and a second for surface area.

Mr. Schroeder asked if they have calculated without variations the maximum size garage that they could build?

Mr. Ruane replied that 660 is the maximum that is allowed.

Mr. Schroeder asked if he would be willing to reduce the size of the enclosed garage?

Mr. Maziur replied ideally between what he is asking and what is allowed he probably could do it. Trying to stay standard size of around 864 which would still require a variance.

Mr. Forbes added that 22'x30' is 600 SF which would be allowed per code.

Pro-Tem Chairman Wolf asked what would the requirement be where it would not have to go thru the expense of a drainage plan?

Mr. Ruane responded 960 SF.

Pro-Tem Chairman asked Mr. Forbes if this would eliminate the need for a drainage plan?

Mr. Forbes replied yes it would.

**Pro-tem Chairman Wolf requested a motion to adopt PZC Resolution 21-11 recommending approval of a 2<sup>nd</sup> garage and a 2<sup>nd</sup> driveway variation request in the R1 – Single Family District at 5001 152<sup>nd</sup> Street.**

Mr. Kerr motioned

Mr. Ziak seconded

<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>
<b>Mr. Kerr</b>		
<b>Mr. Ziak</b>		
<b>Mr. Keeler</b>		
<b>Mr. Mosqueda</b>		
<b>Mr. Schroeder</b>		
<b>Mr. Wolf</b>		

Motion to approve the variation request for a 2<sup>nd</sup> garage and 2<sup>nd</sup> driveway at 5001 152<sup>nd</sup> Street, carried, 6-0-0 with 2 absent.

**Pro-tem Chairman Wolf requested a motion to adopt PZC Resolution 21-12 recommending approval of a variation allowing a 960 square foot garage where a 660 square foot garage is allowed in the R1 – Single Family District at 5001 152<sup>nd</sup> Street.**

Mr. Ziak motioned

Mr. Schroeder seconded

AYES	NAYS	ABSTAIN
Mr. Ziak		
Mr. Schroeder		
Mr. Keeler		
Mr. Kerr		
Mr. Mosqueda		
Mr. Wolf		

Motion to approve the variation request for a 960 SF garage at 5001 152<sup>nd</sup> Street, carried, 6-0-0 with 2 absent.

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2. ZC #21-010 D.A.'s Deli Drive-Thru – Special Use Permit: PUBLIC HEARING - a special use permit request to allow a Drive-up Facility and such other and further zoning relief as may be required in the C1 – Local Commercial District at 5201 W. 167<sup>th</sup> Street, petitioner D.A.'s Deli.

Staff Member Ruane led the presentation of the case and reviewed staff report.

Pro-Tem Chairman Wolf asked where is the ingress and egress on 167<sup>th</sup> Street?

Mr. Ruane answered there are 2 options, a shared right of way that connects to the driveway of the house. It is a common area that everybody can utilize. It is private property once you go beyond a the property line. Means of ingress would enter off of 167<sup>th</sup> and use the parking lot to get to the drive thru and around the back and then coming up off the east end. From the window you stray away from parking and leaving out of the east exit.

Pro-Tem Chairman Wolf asked if the right-of-way which is also the driveway to the house is public? Also, does the city take care of that?

Mr. Ruane responded the City is not responsible to take care of it.

Pro-tem Chairman Wolf then asked, who does take care of it?

Mr. Ruane responded that it is private but not privately owned. The city does not maintain or own but it is still dedicated to the city. We do not take any responsibility. It currently is similar to a handshake agreement between this business and the people behind it.

Mr. Kerr asked who maintains the driveway in the winter.

Mr. Forbes responded that the old owner took care of the front and the homeowner took care of the rest.

Mr. Schroeder asked if there is sufficient parking in the front.

Mr. Ruane responded that the parking limits the amount of seating that is required inside. The addition of the drive thru limits the parking.

Mr. Schroeder asked if they have plans for indoor dining.

Mr. Ruane answered yes. There was a hard count provided of how many seats that would be available with the amount of parking that they have proposed.

Mr. Ziak asked is there anything that would stop them from expanding the parking lot.

Mr. Ruane said no but it is just a matter of what it looks like. He stated that it would be a bigger project than what is in front of them right now.

Pro-Tem Chairman Wolf asked if the parking requirements were based upon capacity.

Mr. Ruane responded that it is based upon seating. A seating plan is asked in advance. One parking stall is required for every 3 seats. This information is requested in advance of letting them know what the code is.

Mr. Kerr asked that if you were not to include the drive thru would the parking be sufficient with the current owner.

Mr. Ruane answered yes there is sufficient parking.

Mr. Darryl Abernathy & Mr. Ollie Williams, petitioners and owners of the business at 5201 W. 167<sup>th</sup> St. were sworn.

Mr. Williams spoke of their specialization in corn beef and Mr. Abernathy explained how their business started.

Pro-tem Chairman Wolf inquired about the circular for the drive-thru and if the intent was to keep green?

Mr. Williams answered that their thoughts were for safety.

Pro-Tem Chairman Wolf asked Mr. Forbes if the drive-thru is required to be curbed?

Mr. Forbes responded no because they do not have storm sewers, everything there is sheet drained out to the street of 167<sup>th</sup> Street.

Staff Member Ruane responded that they need the ability for water flow onto 167<sup>th</sup> Street.

Pro-tem Chairman Wolf asked what precautions can be taken in that area if this were to be approved?

Mr. Forbes responded that they could put in parking blocks to segregate the parking from the drive thru.

Pro-tem Chairman Wolf read a public comment into the record:

Mark and Lindsay Wilma – 5203 167<sup>th</sup> Street: Our names are Mark and Lindsay Wilma. We own the property directly south of the D.A.'s Deli building which is being presented tonight for a special use permit (ZC #21-010) and other and further zoning relief for a drive-thru. Our address is 5203 167<sup>th</sup> Street. We share an ingress and egress right-of-way with the restaurant. We are unable to appear at tonight's Planning & Zoning Commission, but we request that our concerns be read at the meeting.

We do not have any issues with the restaurant opening, but we have a few concerns with the drive thru. We have reviewed the application and the proposed drawings, and our concerns are as follows:

1. The shared ingress and egress right-of-way that leads to our house. This is our ONLY access point to our home. There is no telling just how busy this new restaurant will be as there have been many other businesses at this location over the years. After looking at the proposed drawing submitted with this application, it does not reference anywhere that there is a residence behind this property and that it shares ingress and egress with this proposed drive thru. If the restaurant is busy and the drive thru backs up, or the cars waiting for their food back up and move into the way of our access to our property, what is the plan for that? We have 4 drivers in our household, plus guests that may come over, and we CANNOT be hindered in any way, coming or going from our home. Let's be honest, we've all driven, and people do not know how to drive or navigate through parking lots. There must be further planning for these events.

2. The "Stacked car" on the drawing, what does that mean? Is that a person waiting for their food? It seems like that "stacked car" would be in sitting in our ingress/egress. All of these drive thru patrons are being directed out through our ingress and egress right-of way. Vehicles cannot be sitting and waiting in this area.

3. The drawing depicts a "Fence" that would block headlights going to the east in the drive thru. What about the headlights going south that would project into our front picture window? We believe an additional higher fence would need to be installed to block the headlights projecting south into the front windows of our house.

4. Turning into our house from 167<sup>th</sup> street from either direction will also present a problem if a patron's car is coming out of the drive thru and using our access. The accidents on 167<sup>th</sup> between Lockwood and Laramie streets are numerous and dangerous for people turning in or out of these streets by distracted drivers not paying attention to slowing or stopped traffic. There are already issues in this area without the added traffic of the in and out patrons of the restaurant.

5. There is a flooding issue when there is a lot of rain in our area. The owners of the restaurant have not witnessed this yet. This includes the restaurant's lot. More specially, with the landscaping and asphalt drive being installed to the west, there cannot be any added fill or landscaping that impedes the natural flow of water from the stable area behind our house, the two lots to the south of

our lot, our lot, and the lot in front of our house. The water drains in between the restaurant and the horse stable house to the west and into 167<sup>th</sup> Street. The prior owner of the restaurant dumped fill in this area and did nothing further with it. We cannot have anything blocking the flow of the water while it drains.

Again, we do not know just how busy this restaurant will be and how much traffic will actually be going in and out. We bring these points up now as “worst case scenarios” so as to find solutions so we do not become disgruntled in the future.

I would also like to note that we did not sign off on the Return Receipt “green card” for our notice we received on April 23, 2021. I do not know who signed for our Certified Mail. If we were not home to sign off, we should have had to pick up this certified mail at the post office.

We appreciate the boards time on presenting these issues in our absence.

Mr. Ruane responded to the questions asked by the homeowners at 5203 167<sup>th</sup> St. He did speak with the homeowner on the phone. Regarding the shared ingress and egress that leads to their house the homeowner suggested that there be an only right turn going out.

Staff Member Ruane replied to the question about the stacked car and explained that it is sitting in between where the existing arborvitaes and the corner of the parking spot. The business owners plan is to keep the line moving.

The other issue is concerning the fence. The fence is an existing 6 foot fence. The requirements for parking lots is only 6 feet between commercial and residential. Commercial lots are allowed up to 8 feet tall. This will be something Planning and Zoning should discuss.

Last issue is regarding the flooding and this was already discussed about the water running onto 167<sup>th</sup> Street without any way of impeding.

Pro-Tem Chairman Wolf asked if the fence is sufficient?

Mr. Ruane responded by describing the west property line fence based on the condition.

Pro-Tem Chairman Wolf asked about the fence in between the residence and the business. I would appreciate seeing something that would be sufficient in screening the property.

Mr. Forbes responds that in between DA Deli and the house there is a 3<sup>rd</sup> lot owned by neither of the business nor the residence. The fence is on the 3<sup>rd</sup> property and the fence isn't even on D.A.'s Deli.

Mr. Kerr asked if it is possible to have the fence repaired if needed and a solid fence be placed on the D.A.'s Deli property to remove the headlight issue.

Mr. Ruane responded that the board can make any conditions that they would like and asked if there is a specific height that they would prefer.

Mr. Forbes responded that would require back to back fences. If the existing fence falls down then they would be responsible for putting a fence on their property. Another option is that they would have to work with whoever owns the fence and take down the 6ft fence and a maximum 8ft fence be put up on the DA Deli property.

Mr. Kerr asked why would the fence have to come down if it doesn't concern anybody.

Mr. Forbes replied then there would be a maintenance issue because there would be 2 fences back to back and someone would have to maintain the area between the 2 fences.

Mr. Abernathy offered the option of putting up a fence where needed to block views from the bay window.

Mr. Ziak asked there is nothing stopping the house from putting up a fence.

Mr. Ruane answered that yes the house can put up a fence but it is because of the business that a fence is needed and that would be on the business. The requirement per the code is only 6ft.

Mr. Kerr asked if there is enough room between the drive up to the south to put up a fence or a wall to block the headlights from going south? Can they come in closer to the drive-thru?

Mr. Forbes answered that it would be possible.

Mr. Kerr asked why is that buffer needed to the west?

Mr. Ruane replied because it is neighboring a single family to the west.

Mr. Kerr asked will the traffic ever go to the west?

Mr. Ruane replied it will go west until it starts turning south.

Pro-Tem Chairman Wolf asked if it is possible to exit from the drive thru and go thru the parking lot and exit from there to get onto 167<sup>th</sup> St.

Mr. Ruane replied that it would be a tight turn.

**Pro-Tem Chairman Wolf requested a motion to adopt PZC Resolution 21-13 recommending approval of a Special Use Permit to allow a Drive-Up Facility in the C1 - Local Commercial District at 5201 W. 167<sup>th</sup> Street. With the condition to add a solid PVC at 6ft tall to the entire west property line, a partial fence screening the south property, and partial east fence screening the east properties. Fencing plan to be approved by Community Development staff.**

Mr. Kerr motioned

Mr. Schroeder seconded

AYES	NAYS	ABSTAIN
Mr. Kerr		
Mr. Schroeder		
Mr. Keeler		
Mr. Mosqueda		
Mr. Ziak		
Mr. Wolf		

Motion to approve the special use permit to allow a Drive-Up Facility with the condition of a fencing plan to provide screening from the full west property partial of the south and east properties at 5201 W. 167<sup>th</sup> Street, carried, 6-0-0 with 2 absent.

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Pro-Tem Chairman Wolf requested a motion to approve the meeting minutes from April 21, 2021.

Mr. Ziak motioned

Mr. Schroeder seconded

Motion to approve carried by voice vote.

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Pro-Tem Chairman Wolf requested a motion to adjourn the meeting.

Mr. Ziak motioned

Mr. Kerr seconded

Meeting Adjourned at 8:45 p.m.



CHAIRMAN JAMES STUEWE