

CITY OF OAK FOREST

PLANNING / ZONING COMMISSION MEETING MINUTES

Wednesday, November 17, 2021

The Planning & Zoning Commission meeting was called to order at 7:10 p.m. with Roll Call.

PRESENT: Commissioner Mike Forbes
Commissioner Ken Keeler
Commissioner Dave Kerr
Commissioner Sal Mosqueda
Commissioner Wayne Schroeder
Commissioner Chuck Wolf
Commissioner Michael Ziak
Chairman Jim Stuewe
Staff Member Paul Ruane

ABSENT:

Mr. Stuewe asked for a motion to move agenda item three to the first topic and item one to the third topic.

Mr. Ziak made the motion.

Mr. Forbes seconded.

1. ZC #21-027 Tornado Brakes and Mufflers – Wall Sign Location Variation: PUBLIC HEARING
The applicant requests review and recommendation of approval of a variation request to allow a sign on a wall not parallel to a street or providing a customer entrance and such other and further zoning relief as may be required in the C2 – General Service Commercial District at 5434 W. 159th Street.

Mr. Ruane explained that since the previous sign was on the North side of the building facing the Food 4 Less parking lot, and not many other areas utilize outlots allowing for businesses located in front of other businesses, it meets the requirements for the variation. What is being proposed is one facing 159th Street and the other, facing the Food 4 Less parking lot, needing approval.

Mr. Ziak made the motion to approve.

Mr. Forbes seconded.

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

Motion to approve the Wall Sign Location Variation carried 7-0-0 with 1 absent.

This item will go before the City Council Tuesday, November 23, 2021.

2. ZC# 21-026 Epic Autos and Logistics – Auto Dealership – Special Use Permit:

The applicant requests review and recommendation of approval for a special use permit to allow an Automobile Dealership and such other and further zoning relief as may be required in the I1 – Industrial District at 16341 Frontage Road Suite C.

Mr. Stuewe asked for a motion to move this item to the December 1, 2021 Planning and Zoning Commission meeting, located in the City Council Chambers at 7:00PM.

Planner Ruane explained an application had been received from the petitioner who turned out not to be the owner but a sub-lease. They were able to negotiate a lease with the actual owner, and now will come back once they get their consent. If they are not ready at the next meeting, they will need to start the process over.

Mr. Forbes motioned.

Mr. Ziak seconded.

Motion to approve the continuance to December 1, 2021, carried 7-0-0 with 1 absent, by voice vote.

3. ZC#21-025 Malecky Temple Subdivision – Subdivision and Variation: Public Hearing

The applicant requests consideration of a plat of resubdivision 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.

Mr. Stuewe asked for a motion to remove this item from table.

Mr. Kerr made the motion.

Mr. Schroeder seconded.

The motion passed with a voice vote.

Mr. Ruane this item was tabled two meetings ago, re-noticed this matter on the last meeting, with signs placed on the property. Wrapping up from last time, the concerns mostly surrounded water issues, the amount of lots and how they would be turned in order to accompany the street, and general concerns about the property itself. Mr. Ruane then presented a Power Point covering different views of the property, general layout of the building footprints, and an overview outlined in red. Also proposed was the property being two lots instead of three. Mr. Ruane and Mr. Stuewe went to the property to verify dimensions and concluded a rough measurement of forty-five feet from the property line to the walking track.

Mr. Forbes asked if any engineering studies have been done on the sanitary sewers, because that subdivision is a lift station, to see if two or three houses can go on the lift station. Mr. Ruane answered as far as he is aware that has not been completed at this point. Mr. Forbes referenced a lot being higher than others are, which would need a storm water survey done for drainage. Mr. Ruane said that could be part of the motion to be included.

Mr. Stuewe invited Mr. Malecky, the petitioner, to address the questions. Mr. Malecky approached the podium, was sworn in by Mr. Stuewe, and told Mr. Forbes the previous Public Works Director (Rich Rinchich) told him there was more than sufficient capacity. As far as the storm water detention, there is a huge detention area (just north of the Temple/Forest Edge intersection). Anything else that needs to be done engineering-wise, will be done.

(Mr. Mosqueda arrived at 7:24pm)

Mr. Stuewe pointed out the Board had talked about only allowing two houses to be built; he asked Mr. Malecky to describe how the houses will be built. Mr. Malecky explained if they are improperly placed or turned, they won't sell. He will make sure there are no problems relative to driveways, but he doesn't know exactly what he is going to do; it will be trial and error on paper before it is done.

Mr. Wolf is concerned with, looking at the subdivision itself being R2; it would be a different scenario if it were being looked at because it was one lot that only happened to be fifty feet. He then asked if they were currently subdivided to two lots, Mr. Ruane explained the triangle piece adjacent to the park is annexed to the city. It is one piece already owned by Mr. Malecky since the inception of the subdivision; he has just acquired the second piece, which is the one extending beyond the triangle piece into the property off 147th. This led to a discussion based upon the images provided by Mr. Ruane.

Mr. Forbes said it's up to the petitioner what he wants, and he asked Mr. Malecky who said he preferred three lots.

Mr. Stuewe invited people from the audience to step forward with comments.

Mr. Dean Judickas of 14750 S. Laramie was sworn in, stated most of his presentation from a previous meeting was in the minutes, and there were commissioners today that may not have seen the presentation last time, Mr. Stuewe assured him the commissioners read the minutes. Mr. Judickas then addressed Mr. Malecky informing he is very familiar with the property, as his house is the one North of the park, and the back of his property borders up to the (property). Last time, he asked what the plan was for the entire lot as it looks like Mr. Malecky is trying to subdivide only

125', and that construction has been going on for two weeks straight; the property has been leveled, a fire going for a week straight, and it's unincorporated so he doesn't know who to contact. Mr. Stuewe suggested he contact Cook County. Mr. Judickas asked if there was any reason why they're not considering annexing in the entire parcel, about 166' by 600', Mr. Stuewe answered it has nothing to do with this commission, it would have to be the City Council. Mr. Ruane added it was petitioned and requested for as proposed, it hasn't been granted at this point; it also has not been brought to City Council yet. They will be filled in based upon how the proceedings go this evening if this were to move forward to City Council next Tuesday that would be where the annexation would take place. Mr. Judickas said he has spoken to the County, and asked if anyone has spoken to them, as the County would like this land annexed. Mr. Ruane said no, the City hasn't talked to the County about annexing of property. Mr. Ruane added if the property owner is not willing to annex it would require an involuntary annexation which means force annexing people to pay city taxes and not get utilities for an owner that aren't willing to. It's entirely up to the City Council whether or not they feel that's necessary; the current standpoint of that property is there is no reasonable ability to connect to utilities, so therefore the property itself seems unnecessary to annex into a property that has no ways of being able to connect to the City utilities. Mr. Judickas said there was the mention of a lift station, and asked where the lift station is; Mr. Forbes answered it is almost in front of his property on the corner of Laramie and 148th. Mr. Judickas then pointed out the Public Works Department is there all the time pulling the pumps out and working on them. Mr. Forbes recommended a condition be made, no matter how many houses, that an engineering study is done on the sanitary lift station to make sure it can handle the capacity. Mr. Judickas recommended this only be considered for R1; there is R1 on the West side of the property, R1 on the East side, and R1 up and down Laramie. Considering R2 for property surrounded by R1, except for maybe 20%. He feels it's very concerning, and suggested changing the zoning to R2 for Laramie. He then asked how many properties are being considered, Mr. Stuewe answered that Mr. Malecky is looking for three. Mr. Judickas said he thought this was tabled last time because the Commission thought three houses would be too much and didn't make sense. Mr. Judickas referenced the lot image (provided by Mr. Ruane) and asked if Mr. Malecky has owned the triangle of land for thirty-five years. Mr. Stuewe pointed out this was brought up last time; Mr. Ruane asked him to get to the point as the commission is not going to have Mr. Judickas reiterating the same things that happened at the last meeting. Mr. Judickas said this was not mentioned in the minutes, and Mr. Ruane said it is in the minutes. Mr. Judickas said he didn't see it, and asked for it to be pointed out. He then asked if Mr. Malecky has owned the property for thirty-five years, why has the Park District been cutting the grass. Mr. Ruane answered that's not a matter for this meeting, and the City is not part of the Park District, they are separate from the City. Mr. Judickas said it doesn't only impact the people adjoining the property; it impacts everyone that walks around the track, everybody that uses the park, all the school kids that come out every day for recess and use the park. He knows Mr. Ruane said it is 45' from the track to the end of the lot line. He mentioned asking last time why the triangle wasn't staked out because someone staked off the property behind him and the property north of him, so why wouldn't the stake out the property and see if it is 45', because he doesn't believe it is. He then referenced the image from the previous meeting that showed the lot line in the wrong position. Mr. Ruane said with a stake survey it would only be from corner to corner of a triangle and therefore wouldn't give the exact measurements. The line was measured from Temple Street all the way to the pin lines at the corner of Mr. Judickas property and Mr. Malecky's property. They walked the line back through the tree line and then measured from that line to the pavement. Mr. Judickas pointed out he doesn't believe the line on the image is accurate because he has walked the property from the pin line in his lot to the park. He also mentioned it's misleading to the people not present last time as the line on the image was in a different position. Mr. Stuewe asked what was misleading, and Mr. Ruane explained it was on a previous map. Mr. Stuewe addressed Mr. Judickas and said they (he and Mr. Ruane) walked to the stake in the back of the trees and walked it out front

following the line. It pretty much went straight down the side of trees, and the line was not in the street. Mr. Judickas challenged the Commission to table this item and stake out the lot; Mr. Stuewe asked who is staking it already, and Mr. Judickas said he hasn't seen any stakes out there. Mr. Wolf asked if it would possibly be the stake in Mr. Malecky purchased the county property, and Mr. Ruane said that is his guess. Mr. Judickas asked if they were talking about the stake on his property staking off his boundary line or a stake next to the track. Mr. Stuewe said off the track asked Mr. Judickas if his property line is where his fence is, and was told the boundary is in the picture. Mr. Judickas said the surveyors staked it out before they started tearing all the trees down, and that's how he was notified. He doesn't agree with the line (in the image) next to the track, he believes it is closer than they are saying. He said last meeting it was said the house would be 20' from the curvature of the street, so if you're walking down the path you'll be looking into the side of the person's home. A brief discussion ensued between Mr. Malecky and Mr. Judickas over the stake, and Mr. Malecky suggested Mr. Judickas hire a surveyor and prove it is wrong. Mr. Malecky asked what Mr. Judickas does for a living, and Mr. Judickas replied he didn't think that was relevant, Mr. Malecky asked again, and Mr. Judickas asked if it mattered. Mr. Malecky said it matters to him, and Mr. Judickas said he would tell him after the meeting. Mr. Stuewe called the meeting to order. Mr. Judickas asked Mr. Malecky if he purchased the property two months ago for \$35,000 and is trying to get three lots out of it. Mr. Malecky answered it was purchased three months ago. Mr. Judickas asked again about the price and was told it's not relevant. Mr. Wolf interjected that they are there to figure out, per code, if it fits within the R2 ordinance. This whole subdivision is R2, Mr. Ruane stated that is correct, and Mr. Wolf stated that is all the Commission is looking at; not what the stakes are, but by the R2 code if these lots can fit and whether it's two or three lots. We're looking at something that has not been annexed and is having conditions on it based upon engineers and studies from that perspective too. Mr. Stuewe added they can also grant it and let the Building Department and studies be done because he can't build on it until those things are done. A discussion was held over what would happen if the lots were decided and then disapproved by engineering. Mr. Judickas addressed Mr. Ruane saying some of the studies were required for you to annex land, before it went to the Zoning Board and got approved, it wasn't always conditionally. Mr. Judickas stated building something just because we can doesn't mean it's right. Mr. Malecky responded if the Building Commissioner and City of Oak Forest will give him a permit to build, he has a right to build; he has a right to use his property, just as Mr. Judickas does. Mr. Malecky said he also has a right to ask why so much time is being spent on asinine (discussion). Mr. Judickas and Mr. Malecky began a back-and-forth; Mr. Stuewe called the meeting to order again by telling Mr. Judickas and Mr. Malecky to stop addressing each other and address the Commissioners. Mr. Judickas asked if Mr. Malecky lives in town, to which he was told no; Mr. Judickas said he does, right next to the property and asked it to please not be said it's asinine, to which Mr. Stuewe replied he did. Mr. Judickas once again said just because Mr. Malecky can build something doesn't mean he should, as it will impact other properties. Mr. Judickas informed Mr. Malecky the previous meeting he suggested Mr. Malecky take the property and donate it to the Park District. He and Mr. Malecky again went back-and-forth. Mr. Stuewe again told Mr. Judickas not to address Mr. Malecky, and for Mr. Malecky not to respond. He then asked Mr. Judickas to finish his presentation. Mr. Judickas referenced the cul-de-sac on the other end of the street, and asked why the City wouldn't do the same and put a bulb in for a turn-around. Mr. Ruane explained it was brought to Public Works, and Public Works didn't feel the need to put a quarter of a cul-de-sac at that point. This is ideally the same exact thing as if you were to have extra right-of-way that is being wasted. Mr. Judickas asked if it was known what the bulb is for. Mr. Forbes answered they are for frontage, to get more lots in so they have frontage on the street. With no bulb, you would lose a house. Mr. Judickas asked if it allowed for the set back of the home, and Mr. Forbes said no, it's more on frontage; you have to have so much frontage on a street to build a house. Mr. Judickas asked if it was for emergency vehicles, and was told no. Mr. Ruane added if anything it becomes more difficult with snow plowing and is something the City has been

trying to work away from because of the issues snow plows have trying to get in and out of them. Mr. Stuewe asked if there was anything else. Mr. Judickas stated in the original packet the detention area was marked park and open space, he asked if that was going to be open, if it is a park. Mr. Ruane stated this was explained last meeting, it is designated as park and open space because all retention areas are not residential so they are marked as open space because that's what they are. They are not meant to be parks, but fall into the same category. Mr. Judickas asked if they would consider annexing this property as R1, and Mr. Ruane replied no. Mr. Judickas asked if they would consider requiring any home be set back (the rest was inaudible as he stepped away from the microphone). Mr. Ruane replied he would be open to it, but it is up to the Commission. Mr. Judickas mentioned people walking on the track (parts were not audible as he stepped away from the microphone) which lead to a discussion about the kids being there at recess. Mr. Judickas feels there should not be a house next to the track blocking the street. He exchanged words with Mr. Malecky, and then commented maybe another bar should be built in town as those go over well.

Mr. Stuewe asked if there was anyone else that would like to speak.

Raul Ojeda at 14812 Temple was sworn in and stated his concern is the water. There are pre-existing problems with water flow and standing water. He doesn't want new houses to cause flooding in the area or make matters worse than they are. There was a discussion about the land based on the image provided by Mr. Ruane. Mr. Forbes informed Raul it was one of his recommendations to make it a condition that a storm water engineering survey is done to see the impact of where the storm water off this property will go; it needs to be designed by an engineer to make sure it does not affect any of the neighbors. It will probably have to be routed to that big retention pond behind it (the property). Mr. Forbes recommend the condition that the sanitary sewers be looked at by an engineer before anything is built and that the storm sewers and storm water is looked at by an engineer before anything is built. Mr. Ruane added the engineer would look into it as a high volume storm not just a typical; the capacity would need to be ready for a storm like that. Hopefully it will make the situation better for everyone, or at least status quo and not make it worse.

The original determination was motioned for a 3 lot subdivision with the 2 variations requiring the following conditions: a sanitary sewer study as well as a storm water study to be completed.

Mr. Ziak made the motion.

Mr. Schroeder seconded.

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

Motion to approve the Subdivision and Variation carried 6-2-0 with 0 absent.

Staff Member Ruane informed the Committee of potential items for review in upcoming meetings.

Chairman Stuewe requested a motion to approve the meeting minutes from October 20, 2021.

Mr. Forbes motioned

Mr. Kerr seconded

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

Motion to approve the minutes of November 3, 2021, carried 8-0-0 with 0 absent.

Chairman Stuewe requested a motion to adjourn the meeting.

Mr. Forbes motioned.

Mr. Mosqueda seconded.

Meeting Adjourned at 8:27 p.m.

CHAIRMAN JAMES STUEWE