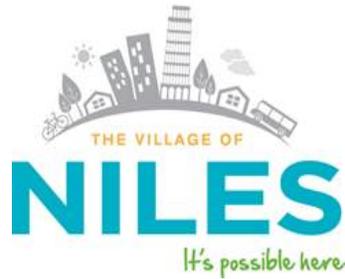


# VILLAGE OF NILES

1000 Civic Center Drive  
www.vniles.com



## Final Approved Meeting Minutes

Monday, April 4, 2022

7:00 PM

Village Hall

## Planning and Zoning Board

### Chairman

Thomas Kanelos

### Members

Susan DeBartolo

Morgan Dubiel, Vice Chairman

Ted Karabatsos

Janet Lee

Terrence McConville

Robert Schulter, Secretary

Charles Ostman, Community Development Director

CALL TO ORDER

The Niles Planning and Zoning Board was called to order at 7:02 P.M.

**PLEDGE OF ALLEGIANCE/ROLL CALL**

All rose for the Pledge of Allegiance.

PRESENT: 6 Chairman Thomas Kanelos, Commissioners  
 Ted Karabatsos, Susan DeBartolo, Terrence  
 McConville, Janet Lee, Morgan Dubiel

Also, present were Director of Community Development Charles Ostman, Planner I Nathan Bruemmer and Village Attorney Danielle Grcic. Commissioner Robert Schulter was absent.

**APPROVAL OF MINUTES**

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of March 7, 2022. There were none.

Commissioner McConville moved to **approve** the minutes of March 7, 2022.

Seconded by Commissioner Karabatsos, on roll call the vote was:

AYES: 5 Dubiel, Karabatsos, McConville, Lee,  
 Kanelos

NAYS: 0

ABSTAIN: 1 DeBartolo

ABSENT: 1 Schulter

There being five (5) affirmative votes the motion carried.

**PUBLIC COMMENT**

The public can ask questions or comment after the Board has heard the petitioners’ testimony following each case. However, if the public has any general comments or questions, they can speak at the end of tonight’s meeting.

**OLD BUSINESS**

**1. 22-ZP-02 Text Amendment**

**A request for approval of a Text Amendment to Section 7.4(A) of the Niles Zoning Ordinance to expand the boundaries of the southern Cannabis-Establishment Overlay District.**

Director of Community Development Charles Ostman recommended this item be continued until the May meeting.

Commissioner Dubiel moved to **table** item 22-ZP-02, a Text Amendment request for approval of a Text Amendment to Section 7.4(A) of the Niles Zoning Ordinance to expand the boundaries of the southern Cannabis-Establishment Overlay District. This will be heard at the May 7, 2022 meeting.

Seconded by Commissioner DeBartolo, on roll call the vote was:

AYES: 6 Dubiel, Karabatsos, DeBartolo, McConville,  
Lee, Kanelos

NAYS: 0

ABSENT: 1 Schulter

There being six (6) affirmative votes the motion carried.

### **NEW BUSINESS**

1. **22-ZP-07, Text Amendment**

**A request for approval of a Text Amendment to Niles Code of Ordinances Appendix B, Section 7.4(A), Section 8.3(Z), and any other sections deemed necessary, to expand the boundaries of the southern Cannabis-Establishment Overlay District.**

Director of Community Development Charles Ostman recommended this item be continued until the May meeting as well.

Commissioner Dubiel moved to **table** case 22-ZP-07, a request for approval of a Text Amendment to Niles Code of Ordinances Appendix B, Section 7.4(A), Section 8.3(Z), and any other sections deemed necessary, to expand the boundaries of the southern Cannabis-Establishment Overlay District.

Seconded by Commissioner DeBartolo, on roll call the vote was:

AYES: 6 Dubiel, Karabatsos, DeBartolo, McConville,  
Lee, Kanelos

NAYS: 0

ABSENT: 1 Schulter

2. **22-ZP-08, 8307 Golf Rd**

**A request for a Special Use Permit to allow 'Cosmetic Tattoo' at My Salon Suite, 8307 W. Golf Rd, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance**

Toni Gozali, petitioner, 955 Summit Drive, Deerfield, IL 60015, came to the podium and was sworn in. He is the owner/operator of My Salon Suite at 8307 W. Golf Road in Niles. He is providing space for professionals to start a business and be their own bosses. This one in particular is for a makeup artist to do

cosmetic tattooing. She will bring in clients not only from Niles but the surrounding area.

Commissioner Lee said the packet states this is for medically necessary tattooing. What is the definition of medically necessary?

Irina Piddubna, 7649 W. Irving Park Road, Chicago, IL came forward and was sworn in. Permanent makeup helps people with scars if they have an injury or burns. It can help them feel better about themselves. A recent client she had at her previous salon had a scar she was feeling bad about. Finally, she decided to do permanent tattooing and she is very happy with it. It helps people to feel beautiful and save time in the morning. It is not about the permanent tattooing; it is about the look. It lasts 2 to 3 years and you can apply it again after that time.

Chairman Kanelos asked if it would be safe to say it is medically necessary or to phrase it as a necessity due to a medical issue to make them look better. For example, they could have had an accident and this process improves their appearance.

There were no further questions from the Commissioners for the petitioner. There were no questions for Staff or from the public.

Nathan Bruemmer, Planner I, stated the medically necessary language is from the Zoning Code. An example would be if you had alopecia, you could get your eyebrows tattooed. As the petitioner said, you then would feel better about your appearance. In October 2020, the Zoning Board did grant one permanent makeup Special Use to Mr. Gozali at the same location.

Chairman Kanelos said he recalls in the past there has been more than one Special Use granted for cosmetic tattoo.

Mr. Bruemmer stated the most recent petitioner ended up not opening their business.

Commissioner Karabatsos asked if approved, is it a stall or is it the actual address? Why do they have to appear if this Board approved the address?

Mr. Bruemmer said from his recollection, there was some back and forth on this. It was initially approved for a certain stall. Then in January 2021 the Planning and Zoning Board amended the language to any stall. Basically, they had one Special Use that allows one permanent makeup artist to operate at the business. This second Special Use would allow a second one. The Special Uses are good for a year so if someone left, another person can fill this space under that Special Use.

Chairman Kanelos said in answer to Commissioner Karabatsos' question, the Special Use goes with the property provided it is used within a year.

Mr. Bruemmer answered correct.

Commissioner Dubiel wants to clarify that tonight they are approving this address, where before we were approving the address of a specific room. Is this Special Use a blanket Special Use so that a second or third cosmetic tattoo salon could go in there without coming before this Board?

Mr. Bruemmer said by his understanding no. So, they have one; meaning that person could leave, another could come in under that Special Use. That now gives them the ability to have two people performing cosmetic tattoo in that location.

Commissioner Dubiel said he does not believe that is the correct reading of the law. He is fine with passing it today but he thinks Staff should double check that. Once the unit has a Special Use, that Special Use goes with the address, not suite by suite.

Mr. Bruemmer said there was language in the Staff report from the last one that said 'one stall'.

Commissioner Dubiel said not in this request.

Mr. Bruemmer said he would defer to legal counsel.

Chairman Kanelos said what Commissioner Dubiel is saying is if it is the entire address, it is any or as many as they want would be able to go there.

Village Attorney Danielle Grcic said that is a question that came up before as well. As she remembers, this is a location that encompasses multiple suites and the concern was are we allowing one use in multiple suites, or we going to allow any of the suites to have the Special Use applied to it. Which is why, she believes, they limited it at that time to the one person [one use] at that location. In this particular case if there is a suite number that is associated with this use, we can amend the motion to include the suite number or we can amend the motion to include if the Special Use is approved for one suite in that location. Then if this particular artist moves from Suite 101 to 105, she does not have to come back. But if there is a different artist that wants to come into Suite 105, then we would have to be here again for that second suite.

Commissioner Dubiel said he does not think it is a huge issue. He just wants to make sure the Commissioners understand. He said he is sure Mr. Gozali is a smart businessman. He is not going to violate that. What if another person wants to come in and they have different hours or different equipment, he is fine with that? As a Zoning Board, we are saying this will be healthy, safe and necessary for the public convenience at this location. If there happens to be one, two or

even three people at this location, it does not upset him. He brought it up to clarify to the Commissioners; not because he thought it was wrong.

Chairman Kanelos said strictly speaking, it is a zoning issue. If there is more than one and it happened to be in another suite, they would have to come back here.

Commissioner Dubiel said, for instance, if they were to approve a liquor establishment and we said at that location they were going to create a special room where they were doing just wine, it would still be the same thing. If it is safe for Niles, he does not think it makes a difference if it is one, two or three.

Chairman Kanelos said he thinks it does. Whether or not it makes a difference philosophically is another story. It does make a difference. For example, if there was one at 8308 which is a different address, they would be required to have another one. Let's get this person in business. He would ask whoever makes the motion to add it is for one location [suite] at this address. If more would like to come in, they are free to come back to the Zoning Board with another request.

Mr. Ostman asked if there is an understanding that this is the second same type of business at this address.

Mr. Bruemmer said the most recent one they heard of was at 7320 N. Milwaukee but they did not open. There is one currently operating at My Salon Suite which was approved in 2020. Amended in 2021 because the suite number was incorrect and filled. At that 2021 amendment it was determined through discussion this would be for one cosmetic tattoo salon. Now this would be for a second one.

Chairman Kanelos said then Staff [regarding approval at that time] does not approve more than one. Tonight, we are approving another one. If a third one wants to come, they will have to come here for another Special Use.

Commissioner Karabatsos said you need to say a maximum of two. That is his point. Realistically if the Board approved it before, they would not have to come before them tonight if it was worded like this.

Ms. Grcic said as it is worded right now, you are approving that space 8307 W Golf [this address] for a Special Use.

Chairman Kanelos said that means the whole address.

Commissioner Dubiel said this is the way the law is written. If this were approved for an apartment building, it would not matter to the Board if there were 30 or 12 units there; as long as whatever is approved is the address. There are 28 salons in the My Salon Suite at this address. Once an address is approved for a Special

Use [which this one already has been for this address], he does not think Ms. Piddubna should have to come before this Board.

Ms. Grcic asked if the first one was approved with a unit number.

Mr. Bruemmer said it was first approved with a unit number. That unit number was already filled. Mr. Gozali had to come back and the Special Use was amended. It did read the same and it was limited to one.

Commissioner Karabatsos said it was a specific unit, as Mr. Bruemmer was saying. That was the problem when we started.

Mr. Bruemmer said he agrees with what Commissioner Dubiel is saying in general, but this business is unique in that there are 28 suites and all different businesses.

Commissioner Dubiel said then we have to clarify that. Generally, we have always approved an address. This is a unique type of business. He does not think they are facing any type of serious issue. If it was a blanket use for all 28 suites, he does not see the harm. Once we have confirmed this tonight, we are saying this location is okay for this type of business.

Ms. Grcic said the Board has to make a decision if they want the Special Use to be specific to a number or allow this blanket approval for this address.

Chairman Kanelos asked if Staff has an opinion on that. They did not. So, whoever makes the motion.....

Ms. Grcic said then whoever makes the motion as presented, then they have a friendly amendment to include or not include Unit 101, 105 whatever.

Chairman Kanelos said they can make any motion they want. They can make for no more than 'X' amounts in this building.

Ms. Grcic said she would caution putting a number on it [the motion] because they do not have any evidence as to why more or less would be good or bad. It is either everything - as what was presented today as is or it is one because she is unique to a specific location. If they are going to say 5, she suggests there would have to be some kind of testimony showing evidence as to why 5 is that magic number. It is not an arbitrary decision.

Chairman Kanelos said because each one of these are separate businesses, it is sort of like a hybrid of one unit being approved versus 6 units in a strip mall that would have separate addresses. You still have 28 businesses going in there.

Commissioner Dubiel said he has a comment for the petitioner. He said to Mr. Gozali 'you have 28 businesses in My Salon Suite and are serving small business people who come in and go in and out of businesses.' And now to Staff. If they approved that address for that full use, we either need to create a code that applies to this gentleman's unique type of business or recognize if cosmetic tattoo is approved for this address, it is a safe one approved. If a beautician is approved, it is safe and approved. It puts the onus on Mr. Gozali to make it successful. He went on to explain other

Mr. Gozali said the term of lease is 1 year. This is a popular business. Most of the permanent makeup businesses are successful. They are inspected every year.

Commissioner Karabatsos asked Staff if these businesses get licenses for each stall.

Mr. Ostman said they do license each business. The other thing he wanted to bring up is if you go with having the address approved and someone comes in and wants to have a massage therapist, that would apply also.

Chairman Kanelos said that would be allowed?

Mr. Ostman said yes, it would be allowed. If it is approved for that address, there could be many at that location.

Chairman Kanelos said he feels this is a unique situation. He is in favor of approving it tonight, but he would like to have Staff review this further and figure out how they should treat these multi-unit stalls which have different businesses at one address. It could be an issue.

Ms. Grcic asked if this business has a unit number yet.

Mr. Gozali there are two units and not sure which one she is going into. He was explaining how the units are in demand and this is a long process. Someone else is leaving.

Chairman Kanelos stated Mr. Gozali said earlier he had two vacant stalls left.

Commissioner Karabatsos said they are approving at the address so let the unit be whatever it is. If one person leaves, we still allow two there.

There was a lot of discussion back and forth regarding this. Basically, Staff has made a decision that this is coming before us because of the way the Zoning Code is written. It will come back before this Board again if it is vacant for one year.

Ms. Grcic said they are here tonight because the last time it was approved it was for one location within this space.

Chairman Kanelos said what we do not want to happen is something like one massage service is approved and then all of a sudden, the whole place is full of massage therapists. That is not going to happen. And that is why they want to specify the Special Use to this business.

Mr. Bruemmer has the old Staff report out. The reason they are in this conundrum is because the language says [this is when he was amending it because he backfilled the one that was granted which was restricted to one suite]. It says 'Mr. Gozali is seeking to amend Special Use to open it to any one suite within the store rather than have it restricted to Suite 133.' Similarly, when we approved a massage suite at this location, we limited it to 2 suites inside.

Commissioner Dubiel said here's the solution. Approve it for this particular tenant by business name. Then if this tenant does not go through with it, it comes before the Board again, in general, before going forward.

Commissioner Karabatsos said she still has to go before the IDPH for this business.

Chairman Kanelos said if they approve it by name, then we are done. He can put this business in any unit he wants.

Commissioner McConville said he thinks they should approve for a maximum of 2 and not specify who the particular tenant is. In the event IDPH does not approve this young lady, then Mr. Gozali can seek another tenant.

Chairman Kanelos asked for a motion.

Commissioner McConville moved to **approve** case 22-ZP-08, a request for a Special Use Permit to allow 'Cosmetic Tattoo' at My Salon Suite, 8307 W. Golf Rd, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance adding to allow only a maximum of two cosmetic tattoo artists at this location.

Seconded by Commissioner DeBartolo.

Mr. Bruemmer asked if they are sure this is the language they want. Are you sure you want two?

Chairman Kanelos said we want two only at this address. We are approving this Special Use for up to two suite locations at that address.

Ms. Grcic said she understands what Mr. Bruemmer is saying. We already have one floating around from before. This did not come to this Board as an

amendment to the original Special Use permit. This came as a brand-new request. The motion should say Mr. Gozali is moving for Board approval for one additional cosmetic tattoo business. If you say two, there is already a discrepancy because you already have one from last year.

There was more discussion about the number of cosmetic tattoo salons that could possibly locate at My Salon Suite.

Commissioner Dubiel said they are approving a law tonight. Then, since it is a Special Use request, it will come before the Board of Trustees. There is already an existing ordinance that you can approve one. There is a blanket approval. Mr. Gozali does not have to come before the Board. Chairman Kanelos asked 'then why is she here?'

Ms. Grcic said she will put together an ordinance after tonight's meeting to go before the Board of Trustees.

Mr. Bruemmer said there is one existing Special Use and that person is still there.

Chairman Kanelos asked if the Commissioner who seconded is willing to remove her motion. She answered yes. He then asked if the maker of the motion is willing to remove it. He answered yes. The motion was rescinded.

Commissioner McConville moved to **approve** case 22-ZP-08, a request for a Special Use Permit to allow 'Cosmetic Tattoo' at My Salon Suite, 8307 W. Golf Rd, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance for one additional cosmetic tattoo permit.

Seconded by Commissioner DeBartolo.

Chairman Kanelos asked if someone would make an amendment to list the name of this woman's business.

Ms. Grcic said she did not think they wanted to do that because they will be back to where they started as far as the number of that type of business at this location.

Chairman Kanelos said then let the motion stand for one additional suite at that address for an additional cosmetic tattoo - and there is a second.

Commissioner Dubiel asked how would they write that law.

More discussion.

On roll call the vote was:

AYES: 5 McConville, Lee, Karabatsos, DeBartolo,

NAYS: 0 Kanelos  
PASS: 1 Dubiel  
ABSENT: 1 Schulter  
There being five (5) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either affirm or deny this recommendation. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date and anyone in the audience who would like to be informed of the Board of Trustees date should leave their name and address with the recording secretary.

### **DISCUSSIONS**

Chairman Kanelos said he would like Staff to look into these types of situations so the Board has clarity when approving something for either the entire address or for an individual suite within that address.

### **ADJOURNMENT**

Chairman Kanelos entertained a motion to adjourn.

Commissioner DeBartolo moved to adjourn.

Seconded by Commissioner McConville, on roll call the vote was:

AYES: 6 DeBartolo, Dubiel, McConville, Lee,  
Karabatsos, Kanelos  
NAYS: 0  
ABSENT: 1 Schulter

The meeting adjourned at 7:40 PM