

VILLAGE OF NILES

1000 Civic Center Drive
www.vniles.com



Final Approved Meeting Minutes

Monday, May 2, 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

ask questions of Staff. After that the public will have their chance to speak. They will be called on and sworn in one at a time. Remember to stay on point - this is about zoning. It is not about whether or not you agree or disagree with the sale of cannabis. There will be another cannabis dispensary in Niles. It is a question of where it will go.

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of the Niles Zoning Ordinance to expand the boundaries of the southern Cannabis-Establishment Overlay District.~~ **WITHDRAWN**

2. 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.

Nathan Bruemmer, Planner I, presented this case.

In February 2022 the Village of Niles proposed a text amendment to Section 7.4(A) of the Niles Zoning Ordinance to expand the boundaries of the southern Cannabis-Establishment Overlay District west of Lehigh Ave. At their February 7 meeting, the Planning and Zoning Board recommended approval for the text amendment to the Village Board. At the February 22, 2022 Village Board meeting, the proposed text amendment was tabled, with directions to Village Staff to provide an option that further expands the southern Cannabis-Establishment Overlay District to include more commercial properties within the Touhy Triangle. Section 8.3(Z) of the Zoning Ordinance lists specific regulations for adult-use-cannabis uses, including required separation from pre-existing educational facilities, day cares, places of worship, and parks/playgrounds. The proposed February text amendment managed to expand the overlay district within the existing parameters of those distance requirements. In order to further expand the district, separation requirements for Adult-Use Cannabis Dispensing Organizations and Adult-Use Cannabis Craft Growers from pre-existing educational facilities, day care centers, places of worship and parks/playgrounds will need to be reduced to 200 feet.

The current boundaries are:

- Parcels fronting the west side of Central Ave between Howard St and Jarvis St.
- Parcels bounded by Jarvis St to the north, Central Ave to the east, Touhy Ave to the south and railroad tracks to the west.
- All parcels south of Touhy Ave between Lehigh Ave and Central Ave.

The Village is proposed to expand the boundaries of the district to include the following parcels:

- All parcels bounded by Lehigh Ave to the east, Touhy Ave to the south, Gross Point Rd to the north and Caldwell Ave to the west, with the exception of the parcels commonly known as 6150 W Touhy Ave, 7220 N Melvina Ave, 7225 N Caldwell Ave, 6450 W Touhy Ave and 6401 Gross Point Rd.

The entire area, both previously established and newly requested, is being shown on the overhead for all to see.

John Melaniphy III, Director of Economic Development, spoke to the reduction of distance requirements to accomplish this expansion, and the reasons an expanded Overlay District could be economically beneficial to the Village.

Section 8.3(Z)(3) currently states that 'Adult-Use Craft Growers' may not be located within 1,000 feet of a pre-existing educational facility - primary or secondary and/or day care center, and may not be within 500 feet of any place of worship or park/playground. This will be amended to 200 feet and 200 feet respectively.

Section 8.3(Z)(4) currently states that 'Adult-Use Cannabis Dispensing Organization' may not be located within 1,000 feet of a pre-existing educational facility - primary or secondary and/or day care center, and may not be within 500 feet of any place of worship or park/playground. This will be amended to 500 feet and 200 feet respectively.

There was discussion among the Commissioners and Staff concerning these regulations.

Chairman Kanelos said it was time for the public to be heard. This has to be done in an orderly fashion. There will be no shouting out. You will be heard individually as you are called to the podium.

The following people were sworn in and gave their opinions and comments. All but one (speaker #5) were vehemently opposed to having a cannabis craft grower or dispensary anywhere in the vicinity of Touhy and Caldwell. There are churches nearby on Caldwell Ave. between Touhy Ave. and Howard St. They spoke of the children being affected and the traffic it might bring. They added this could bring undesirable people into the area. Some had relatives who died from an overdose and felt that bringing this type of establishment into the area would lead to more drug use. Speaker #5 was the only one who said that people have the wrong perception about medical cannabis. She said it saved her daughter's life after being diagnosed with a brain tumor at age 2. They exhausted all possible treatments and turned to medical cannabis. She is now 10 years old and thriving.

Public speakers:

1. Pastor Mohan Zachariah, Cityline Bible Church, 7333 N. Caldwell Ave., Niles, IL 60714
2. Stefan Lozneau, member, Bethany Church, 7301 N. Caldwell Ave., Niles, IL 60714
3. Sam Damsa, member, Bethany Church, 9220 Belleforte, Morton Grove, IL 60053
4. Catalin Zmereg, CPA, 1776 N. Jarvis Ct., Palatine, IL 60074
5. Sarah Zematis, 813 Monroe St., Evanston, IL 60202
6. Pastor Daniel Chiu, Logos Baptist Ministries, 7280 N. Caldwell Ave., Niles, IL 60714
7. Ovidiu Astalus, 8010 W. Courte Drive, Niles, IL 60714
8. George Anastasiadis, member, St. Haralambos Greek Orthodox Church, 7373 N. Caldwell Ave., Niles, IL 60714
9. Marius C. Pintilii, member, Cityline Bible Church, 1821 Buckthorn Dr., Mt. Prospect, IL 60056
10. Andreea Balici, member at Bethany Church, 7301 N. Caldwell Ave., Niles, IL 60714
11. Principal Larry Murg, Logos Christian Academy, 7280 N. Caldwell Ave., Niles, IL 60714
12. Michael Lozneau, member, Logos Christian Academy, 7280 N. Caldwell Ave., Niles, IL 60714
13. Cornelius Varga, member, Bethany Church, 2100 Telegraph Rd., Bannockburn, IL 60015
14. James Pomian, member, Bethany Church, 1411 S. Hickory Dr., Mt. Prospect, IL 60056
15. Tom Zavos, member, St. Haralambos Greek Orthodox Church, 7373 N. Caldwell Ave., Niles, IL 60714
16. Daniel member, Bethany Church, 2431 Park Ridge, IL 60068 [missing last name and street name]
17. Jonathon Capalnas, A American Flooring, 7777 N. Caldwell Ave., Niles, IL 60714
18. - no information
19. Andrea Serban, Bethany Sunday School Director, 3400 W. Albion, Lincolnwood, IL 60712
20. Theresa member, Bethany Church, 5024 Fairview Lane, Skokie, IL 60077 [missing last name]
21. Anca Hrista, member, Bethany Church, 1546 N. Ridge, Arlington Heights, IL 60004

After 2 hours and 15 minutes, Chairman Kanelos made a motion.

Commissioner Dubiel moved to **approve** a request for approval of a Text Amendment to Niles Code of Ordinances Appendix B, Section 7.4(A) to expand the boundaries of the southern Cannabis-Establishment Overlay District.

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

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

NAYS: 1 Lee

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

Commissioner Dubiel moved to **approve** a request for approval of a Text Amendment to Niles Code of Ordinances Appendix B, Section 8.3(Z) to reduce the distance requirements for Adult-Use Cannabis Dispensing Organizations and Adult-Use Cannabis Craft Growers from pre-existing educational facilities, day care centers, places of worship and parks/playgrounds to 200 feet.

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

AYES:0

NAYS: 7 Dubiel, Karabatsos, DeBartolo,
Schulter, McConville, Lee, Kanelos

There being seven (7) negative votes the motion failed.

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 meeting date should leave their name and address with the recording secretary.

NEW BUSINESS

1. 22-ZP-09, 8041 Merrill St

A request for approval of a Preliminary and Final Plat of Subdivision to subdivide the property at 8041 N Merrill St, Niles, IL 60714 into two lots.

Luigi Degirolamo came to the podium and was sworn in. He is the petitioner. He said the packet of information is complete. His home sits on multiple lots. He would like to re-subdivide so he can sell one of the lots because it is too expensive to keep all the land. The property taxes are just too much. That way is if he sells the other lot, perhaps another home will be built.

Commissioner Schulter said another new home would be a welcome addition in Niles.

Chairman Kanelos entertained a motion.

Commissioner DeBartolo moved to **approve** item 22-ZP-09, a request for approval of a Preliminary and Final Plat of Subdivision to subdivide the property at 8041 N Merrill St, Niles, IL 60714 into two lots.

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

AYES: 7 DeBartolo, Schulter, McConville, Lee,
Dubiel, Karabatsos, Kanelos

NAYS: 0

There being seven (7) 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.

2. 22-ZP-10, 7401 W Oakton St

A request for approval of a Zoning Map Amendment to rezone the property at 7401 W Oakton St, Niles, IL 60714 from its current zoning designation of 'R-2 - Single-Family Residential' to 'PI - Public Institutional Lands District'.

3. 22-ZP-11, 7401 W Oakton St

A request for approval of a Preliminary and Final Plat to subdivide the property at 7401 W Oakton St, Niles, IL 60714 into two lots.

Daniel Fajerstein, Attorney at Law, 513 Chicago Ave., Evanston, IL 60202 presented the case. He did not need swearing in as he is an officer of the court. He represents the applicant, Richard Rieger of Mil Oak Properties, LLC. They are requesting the property at 7401 W Oakton St be re-zoned from its current designation of 'R-2 - Single Family Residential District' to 'P-I - Public Institutional Lands District'.

Mr. Rieger is also requesting approval of a subdivision which will split the property into two lots. The subject property currently contains a church building along with two parking lots, one to the east of the church and one to the west of the church. The church was built in 1956 and had been home to Niles Community Church until 2021 when that congregation merged with Park Ridge Presbyterian Church. For approximately the last decade, Jerry's Fruit & Garden has been renting the western parking lot from Niles Community Church to use for employee parking.

Recently, representatives from Jerry's (Mil-Oak properties, LLC) purchased the entirety of the property at 7401 W. Oakton St. They are requesting to subdivide the property to make the western parking lot (Lot 1) a separate parcel from the church and the eastern parking lot, which will remain together on the newly formed Lot 2. The applicant plans to continue using the western parking lot as dedicated parking for Jerry's employees, and is planning on selling the church and eastern parking lot to a new congregation.

The area is being shown on the overhead screen.

Barry Cilman, 7901 N. Milwaukee Ave, Niles, IL, representing Jerry's Fruit & Garden, came to the podium and was sworn in. He added to what Mr. Fajerstein said. He will work closely to see that the employees adhere to the rules and regulations of keeping the area clean and little or no noise.

Izabela Drozd, 7943 N. Oketo, Niles, IL came to the front and was sworn in. She explained her dilemma in living adjacent to the west parking lot of this property. Apparently, some employees of Jerry's start work at 6 A.M. and others finish at 11 P.M. She said the music is loud, there is trash in the area, the employees urinate on her shrubbery and are, in general, a nuisance. Many eat their lunch in their cars and that calls for more noise, music, etc. She wants these people to walk to Jerry's west on Oakton and into the Jerry's/McDonald's entrance area instead of cutting through her bushes, across her lawn, and south on Oketo to an area alongside the Niles Park District pool property. She and her family are disturbed early in the morning and late at night because of all the noise. She has called the police. She has called Jerry's. Mr. Cilman said he would try to rectify the situation.

John Maclellan, 7936 N. Odell, Niles, IL, came to the podium and spoke of some of the same problems. He resides next to the east parking lot. Julie Finan, 7340 N. Oakton, Niles, IL, came to the front and was sworn in. She lives directly across Oakton Street from the church building. She is concerned about the property values as well as traffic flow.

After discussion, Chairman Kanelos entertained a motion.

Commissioner Dubiel moved to **approve** case 22-ZP-10, a request for approval of a Zoning Map Amendment to rezone the property at 7401 W Oakton St, Niles, IL 60714 from its current zoning designation of 'R-2 - Single-Family Residential' to 'PI - Public Institutional Lands District'.

Commissioner Dubiel also moved to **approve** 22-ZP-11, a request for approval of a Preliminary and Final Plat to subdivide the property at 7401 W Oakton St, Niles, IL 60714 into two lots.

These 2 items were approved with the following conditions:

1. A 6-foot sound-deadening fence shall be erected along the entire Southern lot line of the Western parking lot, continuing North along the Western lot line of the parking lot until the first curb cut. The fence shall tie into the existing fence of the homeowner to the south.
2. Jerry's Fruit & Garden will be required to patrol the Western parking lot for garbage and prohibit employees from eating or loitering in the parking lot.

If the employees violate any conditions, Jerry's will be cited by the Police Department and/or Code Enforcement.

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

AYES: 7 Dubiel, Karabatsos, DeBartolo, Schuller,
McConville, Lee, Kanelos

NAYS: 0

There being seven (7) 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.

4. 22-ZP-12, 6638 W Albion Ave

A request for approval of a Variation from Section 4.3(A) of the Niles Zoning Ordinance to allow an impervious surface coverage of 66% where a maximum of 60% is allowed, a Variation from Section 10.3(C) to allow a drive aisle width of 11.75 ' where a minimum of 12 ' is allowed, and a Variation from Section 10.3(A) to allow a stall depth of 17 ' where 21' is required. All for a new parking area at 6638 Albion Ave, Niles, IL 60714.

TABLED

5. 22-ZP-13, Text Amendments

A request for various text amendments to the Village of Niles Code of Ordinances, Appendix B Zoning Ordinance, which includes, but is not limited to, Section 4 - Residential Districts, Section 5 - Commercial Districts, Section 8 - Uses, Section 10 - Off-Street Parking and Loading, Section 12 - Planned Unit Developments, Section 15 - Zoning Applications and Section 16 - Nonconformities.

TABLED

DISCUSSIONS

ADJOURNMENT

Chairman Kanelos entertained a motion to adjourn.

Commissioner Dubiel moved to adjourn.

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

AYES: 7 Dubiel, Karabatsos, DeBartolo, Schuller,
McConville, Lee, Kanelos

NAYS: 0

The meeting adjourned at 10:20 PM

Kathleen Janessa, Recording Secretary

The following person would like to be contacted as to when the next Board of Trustees meeting will be held:

Izabela Drozd, 7943 N. Oketo, Niles, IL 60714, 773-620-4871
concerning cases 22-ZP-10 and 22-ZP-11