

# VILLAGE OF NILES

1000 Civic Center Drive  
www.vniles.com



## Final Approved Meeting Minutes

Monday, June 7, 2021

7:00 PM

Village Hall

### Planning and Zoning Board

#### Chairman

Thomas Kanelos

#### Members

Susan DeBartolo

Morgan Dubiel, Vice Chairman

Ted Karabatsos

Terrence McConville

Barbara Nakanishi

Robert Schulter, Secretary

Charles Ostman, Community Development Director

The Planning and Zoning Board Meeting will be called to order electronically via Zoom audio/visual conferencing in accordance with Governor Pritzker's most

recent disaster declaration related to public health concerns due to the Covid-19 pandemic. This electronic meeting is open to the public. Members of the public can watch the meeting and participate remotely via Zoom or by phone. Members of the public who wish to provide comment during the public comment session should raise their hand via Zoom to speak and will be called upon. Members of the public wishing to join the Zoom “webinar” and comment during the hearing can visit the following link, enter the access code and password below on zoom.us, or call the following phone number:

- <https://zoom.us/j/96924912923?pwd=NU53R092SjhSZVM30Hc1RWFNenIVZz09>
- Webinar ID 969 2491 2923 and passcode 207863 at zoom.us and passcode 931909 at zoom.us
- Dial by phone (312) 626-6799 then enter 917 6123 3759#, 0#, 423823#

Written public comments will be accepted via email in advance of the meeting. Public comments received by 5:00 p.m. on the day of the meeting will be read at the public comment period for the relevant case. Any comments received during the meeting will be held until the end of the meeting. Public comments should be emailed to [nbb@vniles.com](mailto:nbb@vniles.com) and contain name; address (optional); city; phone (optional); and the agenda item you would like to comment on. Members of the public with no access to email may leave a message at 847-588-8077. Thank you.

### **CALL TO ORDER**

The Niles Planning and Zoning Board was called to order at 7:03 P.M.

### **PLEDGE OF ALLEGIANCE/ROLL CALL**

All rose for the Pledge of Allegiance.

PRESENT:       7     Chairman Thomas Kanelos, Commissioners  
                                    Ted Karabatsos, Susan DeBartolo, Robert Schulter,  
                                    Barbara Nakanishi, Terrence McConville, Morgan  
                                    Dubiel

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

### **APPROVAL OF MINUTES**

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of May 3, 2021. There was one made by Commissioner

McConville. The recording secretary corrected it and Chairman Kanelos entertained a motion.

Commissioner Nakanishi moved to **approve** the minutes of May 3, 2021.

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

AYES: 6 Nakanishi, McConville, Dubiel, Karabatsos,  
DeBartolo, Schuller

NAYS : 0

ABSTAIN : 1 Kanelos

There being six (6) 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.

### **OLD BUSINESS**

**1. 21-ZP-15, 8936 N Greenwood Ave**

A request for a Special Use Permit to allow a 'Smoking Establishment' at 8936 N Greenwood Ave, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

**2. 21-ZP-19, 249 Golf Mill Center**

A request for a Special Use Permit to allow a 'Massage Services Establishment' at 249 Golf Mill Center, Niles IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

Chairman Kanelos stated at this time there is additional information that has to be gathered regarding the aforementioned two cases. Therefore, he entertained a motion to **table** both items.

Commissioner Dubiel moved to **table** items **21-ZP-15** and **21-ZP-19**.

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

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

NAYS: 0

There being seven (7) affirmative votes the motion carried.

### **NEW BUSINESS**

**1. 21-ZP-17 & 21-ZP-18, 7320 N Milwaukee Ave**

A request for a Text Amendment to Section 8.2, Table 8-1 of the Niles Zoning Ordinance to allow 'Cosmetic Tattoo' as a Special Use in the 'C-3 Milwaukee Avenue Form-Based District,' and a request for approval of a Special Use Permit for 'Cosmetic Tattoo' at 7320 Milwaukee Avenue if the companion text amendment is granted.

Nathan Bruemmer, Planner I, said Ms. Milovanovic, the petitioner, purchased the property at 7320 N Milwaukee Ave and is hoping to demolish the building and open a cosmetic tattoo salon. The Zoning Code allows 'cosmetic tattoos' as a Special Use in the C-1 and C-2 districts, not currently in the C-3 district. She requests a text amendment to allow it in the C-3 district and also requests a Special Use Permit to operate the business at that location.

Danijela Milovanovic, 229 W. Talcott Road, Park Ridge, IL came forward and was sworn in. She has owned this business for 7 years, currently in Norridge. She said the business is growing and would like to move the business to Milwaukee Ave. Since she emigrated from Serbia, she has wanted to be on Milwaukee Ave. She does all non-invasive cosmetic procedures. She does not have anything to do with body art or tattooing. Her procedures have been life-changing for her clients, both male and female. Eyebrow tattooing, lip tattooing, etc. look very natural. These new procedures offer a different kind of tattooing - not the same ink as in body art. She does not go as deep into the dermis as in traditional tattooing. She helps people, especially cancer survivors. She showed pictures of people who lost their eyebrows during chemo or alopecia. She offers cosmetic areola tattooing for breast cancer survivors. She also treats males who are losing their hair. Again, she stated she does not do any body art tattooing. She hopes to team up with doctors and have a medical clinic to help cancer survivors. It is a fast-growing industry for the past couple years. She is planning a new building on the site. It will be a nice, clean and modern building that will look more like a clinic. There should not be any complaints from neighbors nearby.

Commissioner Dubiel had a question for Staff. How does a medical tattoo differ from any other type of tattoo?

Mr. Bruemmer said in the Zoning Ordinance there are two definitions. One is 'cosmetic tattoo' and that has its own definition. It offers medically necessary tattoo services. Body modification establishments are businesses that define non-cosmetic tattooing services including body art and body piercing. That type of tattooing is not allowed and it would not change if you approve changing the text of 'cosmetic tattoo' to be included in the C-3 district.

Chairman Kanelos clarified there are a few of these establishments in town.

Mr. Bruemmer stated yes.

Ms. Milovanovic said when she first started her business, she was not allowed to open a shop in Park Ridge. Their zoning was stricter. Now after several years, there are businesses like hers in Park Ridge. It really is a great service to help people.

Chairman Kanelos asked if there were any other questions for the petitioner from the Commissioners or the public. There were none. There were no questions for Staff either. He entertained a motion.

Commissioner Dubiel moved to **approve** 21-ZP-17, a Text Amendment to Section 8.2, Table 8-1 of the Niles Zoning Ordinance to allow 'Cosmetic Tattoo' as a Special Use in the 'C-3 Milwaukee Avenue Form-Based District.' It meets all requirements contained in the packet.

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

AYES: 7 Dubiel, Karabatsos, De Bartolo, Schulter,  
Nakanishi, McConville, 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 confirm 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 Staff.

Commissioner Dubiel moved to **approve** 21-ZP-18, a Special Use Permit for 'Cosmetic Tattoo' at 7320 Milwaukee Avenue, Niles, IL 60714. The Commissioners packet was thorough and testimony completes the fact finding.

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

AYES: 7 Dubiel, Karabatsos, De Bartolo, Schulter,  
Nakanishi, McConville, 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 confirm 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 Staff.

## 2. 21-ZP-21, 317 Golf Mill Center



Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm 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 Staff.

**3. 21-ZP-26, 8425 N Greenwood Ave**

A request for a Variation from Section 9.4, Table 9-1 of the Niles Zoning Ordinance to allow a shed with an area of 242 square feet where a maximum of 150 square feet is permitted.

Tom Mialkowski, 8425 N. Greenwood Ave., Niles, came to the podium and was sworn in. The request says 242 sq. ft. He thought he was asking for 280 sq. ft. He wants to put a sidewalk around it and that would bring the size to 280 sq. ft.

Mr. Bruemmer said the sidewalk does not figure into the equation. The shed will be 242 sq. ft. with a sidewalk around it.

Commissioner Schuler asked if neighbors had any objection to this.

Mr. Bruemmer said there were no objections. Some people called only to inquire as to what was going on.

Commissioner Dubiel would like to propose a text amendment to this type of request in the future. Mr. Mialkowski's property is so large it is onerous to say to everyone that they must all have the same size shed. This gentleman has already tripled the normal size. I am willing to vote for it. Same thing with the expanding business in the previous case.

Commissioner Schuler asked what if you have some neighbors who object to it?

Commissioner Dubiel said it is not their property.

Chairman Kanelos said please, let us go through the chair with comments. He said Commissioner Dubiel made his comments and they are now part of the record. He happens to agree with him and this is something to look at going forward. It does not have to be one size fits all. Maybe they will ask Chuck [Charles Ostman, Director of Community Development] to look into it for future consideration.

Commissioner Nakanishi had a question about 'Requirements for receiving a Zoning Variation from the Village of Niles'. This would be number (1) on that page. She does not understand what is meant by '1 out of 3 parings in the garage'.

Mr. Mialkowski said the word should be parking - not paring.

Chairman Kanelos asked if there were any more questions from the Commissioners or the public for the petitioner. There were none. Any questions from Commissioners or the public for Staff? There were none. He entertained a motion.

Commissioner Schulter moved to **approve** 21-ZP-26, a request for a Variation from Section 9.4, Table 9-1 of the Niles Zoning Ordinance to allow a shed with an area of 242 square feet where a maximum of 150 square feet is permitted. All information in the packet is acceptable.

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

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

NAYS: 0

There being seven (7) affirmative votes the motion carried.

This will not go to the Village Board. This Zoning Board has the final say.

**DISCUSSIONS**

Commissioner Schulter asked what is the reason they could not address the two items of old business tonight?

Chairman Kanelos said in the past sometimes there was no motion made. It was deemed a no vote. But once it comes to the case of a Special Use, it has to go to the Village Board so there has to be either an up or down vote. This Board of Commissioners will have to take an up or down vote on that particular item. They also have to start issuing Findings of Fact if they say no and why they say no. At this point Village Attorney Danielle Grcic will be gathering some information from other villages as to how they do it. Then this Board will come up with a procedure for how to move forward with these types of cases. That is why it was **tabled** so it can be handled properly. They anticipate it will be on the next meeting agenda.

Commissioner McConville thought they did take a vote on item 21-ZP-15. It took a little time but there was a vote and it was denied.

Chairman Kanelos said yes, they took a vote on the tobacco shop and it was denied. However, they have to start issuing reasons. That is why they have to look at it and determine how they will debate the Findings of Fact and move forward from that. That is why he and the Village Attorney thought it prudent to **table** and get it right.



Commissioner Nakanishi said before tonight's meeting started, she was scrambling to find Chuck's message that was sent a week ago on how to sign into this meeting. Commissioner Dubiel had trouble locating the message also. She sent a message to Nathan and he kindly sent her the link. She sees now all the information to sign in is on the agenda page. That might help everyone in the future.

Mr. Bruemmer said that link on the agenda page is the public link. If you use that, you will not be able to speak.

Commissioner Dubiel said it would be great to get that sent out the morning of the meeting or just before the meeting starts. He also asked Mr. Ostman if he could have those 2 text amendments before the Board to discuss at the next meeting.

Mr. Ostman said he would leave that up to the Chair, whether or not he wants it ready for the next meeting. Does he want to take it to the Building and Zoning Committee first?

Chairman Kanelos said he would present it to the Building and Zoning Committee first. Then take it from there. Someone has to rewrite the text amendment. He wants to discuss one of those - as long as you have a separate address, he does not think they should be messing around with it. The other case he is in agreement with.

Commissioner Dubiel said the only reason he brings it up is because it is literally across the way, almost in the same building.

Chairman Kanelos said he understands. But it is still a different address. What if he decides to sell and someone else takes the business? It is not that hard and does not happen often.

Trustee Denise McCreery had a comment about the size of the property in item 3 this evening. She does not know as much as the Board regarding the size of the shed and property. However, she would be more concerned about the location of the shed. If you have a large property and the shed is on the side of your property, that can affect your neighbors much more than if it was placed in the back. Perhaps there is something in the code that says a shed has to be in the back of the property. She does not know.

Commissioner Schuller asked if next month's meeting would take place at the Village Hall. If you are vaccinated, do you have to wear a mask?

Chairman Kanelos said that is the plan. Yes, the next meeting will take place at the Village Hall.

Mr. Ostman said there are plastic dividers when the Commissioners are in position at the Village Hall. At that time, the Commissioners can remove their masks. The public audience will still be required to wear masks at this time.

Commissioner Dubiel said the governor is making an announcement on Friday that will probably open up the state. Are you expecting any changes?

Mr. Ostman said they are expecting to go to phase 5.

Chairman Kanelos said the order that allows Zoom meetings only lasts through June 26, 2021. So, if that is not extended, the Board cannot have another Zoom meeting anyway. But if someone is out of town and they want to dial in, that should be okay as well. He does think it best if they all get back in-person and start resuming meetings normally.

Commissioner Schulter said based on the calendar, the next meeting will take place July 12<sup>th</sup>, correct?

Chairman Kanelos said correct. He said the August meeting is a week later as well. It will be August 9<sup>th</sup>, not the 2<sup>nd</sup>.

Commissioner Dubiel is making a suggestion that in celebration of the end of these Zoom meetings, perhaps all could meet at the Howard Street Inn after the meeting of July 12<sup>th</sup>.

Mr. Bruemmer said he has one more public comment.

Luke Sementa, Golf Mill Mall, Stirling Organization Leasing Manager, was sworn in on line. Was one of the past businesses on the agenda that of the Relaxed Spa?

Chairman Kanelos said yes and it was **tabled** until the next meeting.

Mr. Sementa said his part in joining this meeting was in support of Ms. Sun's business. Through their vetting process of prospective tenants, they do take a close look at business plans. They feel this a business that would be welcomed into the mall. They had another massage business only 2 units down from this. The massage therapist has been vetted and fully licensed by the State of Illinois. This information is publicly known on IDPR website with no past disciplinary actions taken.

Chairman Kanelos said Mr. Sementa must have come online a little bit late to this meeting. He explained they have a new process that they are required to take in the event of voting down of a request. Rather than hear the case today and not have the proper procedures in place, it will be postponed until the next meeting. He recommends strongly that he attend because the things he just

