

VILLAGE OF NILES

*1000 Civic Center Drive
www.uniles.com*



Final Approved Meeting Minutes

Monday, July 12, 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

CALL TO ORDER

The Niles Planning and Zoning Board was called to order at 7:01 P.M.

PLEDGE OF ALLEGIANCE/ROLL CALL

All rose for the Pledge of Allegiance.

Chairman Kanelos said it is good to be back in person and he hopes and prays things stay good enough health-wise to continue with a level of normalcy.

PRESENT: 5 Chairman Thomas Kanelos, Commissioners Susan DeBartolo, Robert Schulter, Terrence McConville, Morgan Dubiel

Also, present were Director of Community Development Charles Ostman, Planner I Nathan Bruemmer and Village Attorney Danielle Grcic. Commissioners Ted Karabatsos and Barbara Nakanishi were absent.

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of June 7, 2021. There were none.

Commissioner DeBartolo moved to **approve** the minutes of June 7, 2021.

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

AYES: 5 DeBartolo, Schulter, McConville, Dubiel,
Kanelos

NAYS: 0

ABSENT: 2 Karabatsos, Nakanishi

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

PUBLIC COMMENT

If the public has any general comments or questions, they can speak now. No one spoke up. In that case, 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.

Chairman Kanelos asked if the Staff has anything to add to what they were given the last meeting.

Nathan Bruemmer, Planner I, said no.

Petitioner was not present tonight. The petitioner was made aware of this meeting. A few weeks ago, he expressed to Mr. Bruemmer that he would attend tonight's meeting. Mr. Bruemmer sent follow-up emails and the petitioner did not respond.

Chairman Kanelos asked if there were any questions from the Commissioners for Staff since they cannot question the petitioner.

Chairman Kanelos had a question for Staff. Since this is called a smoking establishment, will there be smoking on premises?

Mr. Bruemmer answered no. It is a state law there is no smoking in attached buildings.

Chairman Kanelos thought perhaps instead of 'smoking establishment' it could be defined as 'smoking retail'.

Mr. Bruemmer said the way the code is written, it could be a hookah lounge where there is smoking or a store that sells smoking materials only.

Commissioner Schuler asked if they should still move forward on this case without the petitioner.

Mr. Bruemmer said the petitioner was interested in pursuing it.

Chairman Kanelos said the item is on the agenda. It was not withdrawn. Therefore, they have to consider it. We have to establish the Findings of Fact, whether to approve or deny. Also, the motion will always be in the affirmative, they have to establish why some people feel they should vote no.

Commissioner Schuler asked Mr. Bruemmer if, within the Village of Niles, there are only two retail facilities that sell tobacco products as their primary source of income.

Commissioner Dubiel asked if there are other locations in the Village where tobacco is available.

Mr. Bruemmer said yes. Gas stations, 7 Eleven, grocery stores, liquors stores. The other two establishments similar to this request are located in the Golf/Milwaukee area. This request is near Ballard and Greenwood.

Chairman Kanelos asked if there were any questions from the public. There were none. He entertained a motion.

Commissioner Schulter moved to **approve** 21-ZP-15, 8936 N Greenwood Ave, a request for a Special Use Permit to allow a 'Smoking Establishment' at 8936 Greenwood Ave, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

Seconded by Commissioner Dubiel.

At this point, there is a discussion.

Commissioner Dubiel feels this does not meet the criteria for a Special Use at this location. There are stores like this nearby and there are products elsewhere in the Village. He is speaking against the motion.

Commissioner Schulter made a comment rebutting Commissioner Dubiel's discussion. He asked Commissioner Dubiel if he understood there are already two of these types of stores in Niles. He asked if he knew how many facilities are in Morton Grove.

Commissioner Dubiel said he is not the petitioner. He is just providing his opinion.

Commissioner Schulter said there are five. He is in favor of the motion and he moved to approve.

Commissioner McConville commented said it would have helped had the petitioner been available, especially since at the last meeting he was not as forthcoming as he might have been. He feels it is a problem for this Board to make a decision with the absence of the petitioner.

Commissioner DeBartolo asked how close is this proposed business to the school. [Gemini Middle School].

Chairman Kanelos said it is across the street; maybe a couple hundred yards. But there is no legal problem with selling tobacco products near schools.

Chairman Kanelos stated for the record he also thinks this does not meet the criteria being necessary for the public convenience at this location. That is one out of four criteria. Whether or not that is enough to disqualify it, that will remain to be seen. He asked Commissioner Schulter to please call the roll.

On roll call the vote was:

AYES: 1 Schulter

NAYS: 4 McConville, Dubiel, DeBartolo, Kanelos

ABSENT: 2 Karabatsos, Nakanishi

There being one (1) affirmative vote and four (4) negative votes the motion failed to pass.

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 the recording secretary.

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.

Staff had nothing more to add to this case since it was heard last month.

Rosie Sun, owner, 2033 Westover Road, North Aurora, IL 60542 and Luke Sementa, Leasing Manager for Sterling Corporation, landlord and owner of Golf Mill Center, came forward and were sworn in.

Mr. Sementa said there has been a delay since the last meeting. The landlord and owner of Golf Mill Shopping Center is supportive of Ms. Sun's business as a massage therapy provider. There were questions on the structure of the business which Ms. Sun attempted to explain. As the landlord, they do a process in vetting out new businesses and new prospective tenants they lease to in the mall. They found Ms. Sun's expertise and business to be well suited to complete a lease. Currently there are no massage services in the mall. In the past there have been massage service providers in the mall. The last one in the mall was only about two storefronts down from the location Ms. Sun is planning to operate.

Chairman Kanelos said the other massage facility was approved not that long ago. Did it fail or was there no demand?

Mr. Sementa said it was unique circumstances. The pandemic also played a factor in that. It closed around March, 2020, at the beginning of the pandemic.

Chairman Kanelos asked Staff if there were any issues from that last business. Any complaints, any police activity.

Charles Ostman, Director of Community Service, does not know if there were any issues with the last establishment. He does recall there were issues with a different massage business several years ago that was forced to close down.

Commissioner Dubiel asked what qualifies someone for a lease.

Mr. Sementa said a massage therapy business [as well as nail salons] have to be licensed by the state. The service providers Ms. Sun is putting in this business have been licensed by the state. She qualified financially for a two-year lease. She met all the lease criteria, then we check and see if the people she listed as therapists are licensed by the state. If that should change, is she obligated to tell the lessor that things have changed? They do not do regular follow-ups regarding employees [as therapists] since that is regulated by the state. They feel her business model is fit for the property.

Commissioner Dubiel asked Ms. Sun if she is a licensed massage therapist. She answered she is not. She is an investor in the corporation.

Ms. Sun said she has had several massage businesses for over twelve years. Most have been in malls and they are similar. They provided chair massage, table massage and foot reflexology. She had several in Illinois but she has had to close some businesses. [There was a lot of dialogue – much of it hard to understand.] She has a business in Buffalo, New York. She said she is in partnership with Mr. Xiang. He and his sister will run this location. She is opening another location in Woodfield Mall in August.

Commissioner McConville asked if she simply sets up all these businesses but does not work at the locations.

Ms. Sun said she had to sell some businesses. Because she is in partnership with different people and because of some short-term leases, she has had to close in some malls.

Mr. Ostman asked if she is an owner of Lily Massage in Villa Park.

Ms. Sun said she is a past owner.

Commissioner Dubiel asked if she sold it or passed it on?

Ms. Sun said she sold her portion of the partnership.

Chairman Kanelos said we are to understand you start these businesses and then sell.

Ms. Sun said no. Most stores she has a good relationship with partners. Some stores there could be a conflict then she will sell. That is what happened with Lily. Sometimes she is too strict and her partners are not happy.

Commissioner McConville asked if Ronghui, Inc. is in good standing with the Secretary of State's office?

Ms. Sun said yes.

Commissioner DeBartolo asked how often do the therapists have to renew their licenses.

Ms. Sun said two years. They need to do continuing education.

Chairman Kanelos asked how many massage businesses has she opened in Illinois. Also, how many does she still maintain or have an active interest in.

Ms. Sun had trouble answering the question.

Chairman Kanelos said here is the problem. It seems Ms. Sun opens these businesses and then steps aside. He feels yes, she is answering all the Commissioners questions, but who is to say she will open this one in Golf Mill and in a few months or a year, she will be gone. He has a problem with this.

Commissioner McConville asked how many other shareholders are part of Ronghui Inc? He asked about Mr. Xiang's status in this corporation. Is he strictly an independent contractor?

Ms. Sun had a hard time answering this. Then she said she is the only shareholder. Mr. Xiang is only a partner in this location. He is not part of the corporation. He does not own any business. He is an independent contractor.

Mr. Sementa said it sounds like the transferring of ownership is an issue.

Chairman Kanelos said that is just one of many issues. There are confused answers, conflicting answers.

Mr. Sementa said the entity on the lease states if she were to decide to leave or transfer ownership, Sterling would have to be notified. That is the language of the lease.

Chairman Kanelos said he understands the lessor would have to be notified but the Village would not know any of that. Then the Village has no idea who owns the business.

Mr. Ostman said the applicant is tied to another corporation called AINI Group Inc.

Ms. Sun said yes. It is a connection to massage services also. She opened another corporation to sign the lease. She tried explaining long-term and temporary lease. This discussion went on for a very long time.

Commissioner McConville asked how long is the lease she signed at Golf Mill.

Ms. Sun said two years.

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

Commissioner Dubiel moved to **approve** 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.

Seconded by Commissioner Schuler.

Commissioner Dubiel said he is still not clear on the applicant's business. She wants it to be profitable but a change in the rent could hinder that. She meets four of the criteria; not sure about public safety. The reputation of Sterling Group will be on the line if there are issues here. He thinks they should approve it because she is allowed to start and sell a business if she follows the rules. Some of her testimony could be lost in translation. He feels they should vote to approve.

Commissioner McConville said he has no problem with the business. He does have a problem with the business structure and the track record about the

businesses she has opened and closed several times. He feels it could endanger the public health, safety and welfare.

Commissioner Schulter said it is free enterprise. If someone wants to come in and open a business then sell it, that is their prerogative. The state mandates their license. He thinks it is fine.

Commissioner DeBartolo thinks that while she is an investor, she is not in it for the long haul. Anytime someone wants to buy her out, she is gone. Why didn't these partners come in and set up the business themselves? It is probably because they needed the money. She thinks there is something not right about this.

Chairman Kanelos said it is not just an issue of a free market system. The corporation is uncertain. The testimony is not credible and unclear. He feels there is insufficient data to support the criteria that we need. He does not think they are getting much information at all.

On roll call the vote was:

AYES: 2 Dubiel, Schulter

NAYS: 3 DeBartolo, McConville, Kanelos

ABSENT: 2 Karabatsos, Nakanishi

There being two (2) affirmative votes and three (3) negative votes the motion failed to pass.

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 the recording secretary.

NEW BUSINESS

1. 21-ZP-22, 6480 Howard St

A request for a Variation from Section 18-171(b) of the Village Ordinance (as allowed by Section 18-172) to allow an 8' fence where a maximum fence height of 6' is permitted, and a Variation from Section 18-173 (as allowed by Section 18-172) to allow barbed wire along the top of the fence at 6480 Howard St., Niles, IL 60714.

Kyle Frain, Manager of Transmission Engineering, and Erin Carlson, Engineer and a Transmission Engineer, both from Peoples Gas, 200 E. Randolph St., Chicago, IL came to the podium and were sworn in.

Ms. Carlson said they are building an inter-connect station to an existing pipeline. The station has sensitive gas facilities so they are asking for an 8 ft. fence with barbed wire on top. They are following TSA requirements for safety.

Chairman Kanelos said he looked up all the information but could not find anything that said this required an 8 ft. fence.

Mr. Frain said his company works with TSA to develop specific guidance for the types of facilities they operate. Based on that guidance from TSA they develop standards. TSA looks at our standards to see if Peoples Gas meets the recommendations. They worked in partnership to develop the company standards related to these types of facilities. This is what the standards are for a gas inter-connect facility.

Chairman Kanelos said then this is a company standard and not a TSA requirement.

Mr. Frain said TSA does not prescriptively require specific fencing. They just provide guidance.

Chairman Kanelos said so everything in your entire case hinges on the fact that you are following TSA guidelines. But you are not. In reality you are using own guidelines.

Mr. Frain said the guidance is from the collaboration they have with TSA.

Chairman Kanelos does not understand what that means.

Mr. Frain said they have a whole corporate security group that comes up with these standards. He is part of the engineering department and they apply these standards in their design.

Chairman Kanelos asked what is the standard - 8 ft with barbed wire? That is what your company determined what is best.

Mr. Frain said right. They are a very large company.

Chairman Kanelos said he understands but the Village may have a resident that feels like they need an 8 ft. fence with barbed wire on their property but

they cannot do that. You said you followed the guidance of TSA but that is not exactly what happened. In his opinion, it is misleading.

Mr. Frain said Homeland Security classifies this type of infrastructure as critical energy infrastructure.

Chairman Kanelos said they did not specify an 8 ft. fence.

Mr. Frain said he is not aware if it is a specific government standard. Again, his company works with TSA to develop standards. This is how TSA handles it. They do not attempt to tell every company what to do. They sit down with companies and work with them to develop standards.

Chairman Kanelos said in answer to the question in the application, "Explain how the strict application of the terms of this Ordinance will result in undue hardship, as distinguished from a mere inconvenience, unless the specific relief requested is granted." The applicant answered, "This variance is necessary as Peoples Gas is required to follow TSA and PHMS regarding fencing at energy facilities." It is an internal company that determines your security needs.

Mr. Frain said in collaboration with TSA.

Chairman Kanelos said TSA does not say you need an 8 ft. fence. What do they say?

Mr. Frain said TSA worked with Peoples Gas, although he was not part of these conversations. This is the guidance from their corporate security group that does nothing except manage security for critical infrastructure sites. This is a standard they produce and give to Peoples Gas in generic form to apply to these kinds of facilities.

Chairman Kanelos said three of the four criteria are based on a claim that this is a requirement of TSA when, in fact, it is not.

Commissioner Schulter said within Niles, Morton Grove, Park Ridge and Glenview area, where are these other facilities located.

Mr. Frain said this would be the only inter-connect site Peoples Gas operates in the Village of Niles. Four of these are within the city of Chicago, one within the Village of Skokie.

Commissioner Schulter asked if Skokie has a barbed wire fence.

Mr. Frain said that situation is unique as it is shared with a number of different operators. They are working with those other partners to upgrade the security fencing. But all the other sites in Chicago have barbed wire fencing.

Commissioner Dubiel asked if the height of the fencing in this industrial area is all 6 ft. or 8 ft.?

Mr. Ostman said there is a ComEd site near the golf course that has barbed wire on top. He is not sure if it is 6 ft. or 8 ft. fencing. These public utilities are clearly targets and need to secure their sites.

Commissioner Dubiel said the problem the Commissioners are having is they have to interpret the questions and Ms. Carlson just testified it is just a mere inconvenience. This is what you want internally but were not forced to. However, you wrote this as required. In item 3 you testified to unique circumstances. The challenge this Board faces is the wording of the Code and the answers given.

Mr. Ostman asked him to repeat the question.

Commissioner Dubiel said whenever a corporation, multi-national firm or just an individual comes before this Board, we have these four criteria that we have to answer. In response to Chairman Kanelos' comments and response of the petitioners, as you see these are fairly plain questions. He went on to explain his examples.

Mr. Frain said he must be missing something here. We are clear we are following the TSA guidance.

Commissioner Dubiel asked what would TSA do if you did not follow these guidelines. Would they fine you or what would happen?

Mr. Frain said they are required to follow TSA guidance regarding the fencing and security of energy facilities. That is exactly what they are doing.

Chairman Kanelos said they guided you to put an 8 ft. fence up.

Mr. Frain said that is correct.

Chairman Kanelos said that is not the answer to my question. TSA did not tell you 8 ft.

Mr. Frain said TSA does not come out until after the facility is built to look at it and provide input. These things are built based on their guidance that we get through the corporate security work.

Commissioner Schulter asked if they [TSA] would put this in writing.

Mr. Frain said he cannot answer that immediately. He does not know if there were alternatives presented.

There was discussion of having a carve out regarding this type of request.

Mr. Ostman said there is another request coming up shortly from ComEd regarding their facility on Golf Road. That is what Staff was looking at – to present specific language for public utilities regarding fencing/barbed wire. This applicant came in first and now ComEd came in with a request for an 11 ft. fence with barbed wire. Northbrook, Rosemont are putting in 11 ft. fences with barbed wire for security.

Commissioner Dubiel asked if Mr. Ostman is testifying this is a unique facility and not something that would apply to what we put in the Zoning Code for regular requests.

Mr. Ostman said this is not the Zoning Code. This is under Building Code and because of the zoning district it is located in, they can apply for a Variation in that section.

Commissioner McConville said he feels Peoples Gas did not give accurate information or least have someone present to testify as to what standards TSA gives to you. No one here has a problem from a security standpoint, but we have the criteria of the Code and until there is a carve out, we are supposed to follow that. This does not meet the standard.

There were no other questions from the Commissioners, from the public or for Staff from the Commissioners or the public.

Mr. Ostman asked if Peoples Gas reps know when the facility will be installed on that parcel.

Mr. Frain said they are working with Village Engineer Tom Powers and his staff and they are looking to start construction in the next several weeks. The fence would be one of the last things to go in.

Chairman Kanelos asked if there was a visual of the fence [on the overhead]. There is no visual.

Mr. Frain said it is known as no cut, no climb. They have become the standard at both electric and gas sites. The fence has very small holes in it that makes it almost impossible to scale or easily cut open.

Commissioner DeBartolo said you mentioned there are installations in Grayslake and at O’Hare.

Mr. Frain said for Grayslake they worked closely with the Village of Libertyville. It is the same no cut, no climb. It has been approved and installed. The site is on Peterson Road.

Chairman Kanelos entertained a motion.

Commissioner Dubiel, moved to **approve** 21-ZP-22, a request for a Variation from Section 18-171(b) of the Village Ordinance (as allowed by Section 18-172) to allow an 8’ fence where a maximum fence height of 6’ is permitted, and a Variation from Section 18-173 (as allowed by Section 18-172) to allow barbed wire along the top of the fence at 6480 Howard St., Niles, IL 60714.

Chairman Kanelos felt this application was not filled out in good faith. Perhaps there will be residents who would like an 8 ft. fence in the future. He realizes the security issue.

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

AYES: 5 Dubiel, DeBartolo, Schulter, McConville,
Kanelos

NAYS: 0

ABSENT: 2 Karabatsos, Nakanishi

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

This Board has the final say for item 21-ZP-22.

2. 21-ZP-24 and 21-ZP-25, 7013 Milwaukee Ave

- 1) A request for a Special Use Permit to allow a ‘Reception Facility’ at 7013 Milwaukee Ave, Niles, Illinois 60714, as required by Section 8.2(A) of the Zoning Ordinance.
- 2) A request for a Variation from Section 5.2(A)(3) of the Niles Zoning Ordinance required retail uses in ground floor spaces within 250’ of signalized intersections for the aforementioned ‘Reception Facility’ at 7013 Milwaukee Ave, Niles, IL 60714.

Michelle Ficco, 8133 N. Olcott, Niles, IL came forward and was sworn in. She summarized the intent for this space in Harts Plaza is for a boutique event venue. It would be furnished and freshly styled for small gatherings.

Chairman Kanelos clarified she will not be serving food but there will be a kitchenette available for customer use.

Ms. Ficco said she does have a kitchenette and discussed what is required with the Niles Health Inspector. She walked her through it. The diagram in the packet is not exactly what it is going to be. Now they only need to have a hand sink and a refrigerator for items that need to be kept cold. No stove but yes, a microwave. The hours will be from 10 a.m. until 10 p.m. The times are predetermined. The guests can schedule either a morning or an evening or a full day. She had to think of the people going in and out to an event, had to allow time for cleaning and keep traffic from being congested. There has been interest in smaller, more intimate weddings lately. There will be a surround system – speakers are not allowed. That will be in the rental agreement.

Chairman Kanelos ask how tall the fences are behind Harts Plaza.

Mr. Ostman answered 6 ft.

Commissioner Dubiel asked Staff how parking was calculated. This mall is now partially built. Does the calculation include the north parking lot?

Mr. Bruemmer said it does, but even if you sliced off from the new pad for parking, they are still under for spaces. He said there were about 46 spaces.

Ms. Ficco said of the current businesses in the plaza, Level Up Gym is only open very early in the morning and evening. During the day there is hardly anyone there. The paint store has mostly morning traffic. The restaurant is mainly carryout and has people parking on the other side where it is not developed yet.

Commissioner Dubiel asked how they determine what this reception facility would need in terms of parking. And what is the expected capacity?

Mr. Bruemmer said it was developed when the code was rewritten.

Ms. Ficco answered 40 people and under.

Chairman Kanelos asked if there were any more questions from the Commissioners for the petitioner. There were none. There were no questions

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

Commissioner Schulter asked Mr. Bruemmer to clarify the parking. The packet says there are 102 existing spaces.

Mr. Bruemmer said they are including the entire parcel.

Mr. Schulter said you cannot include the undeveloped land.

Mr. Bruemmer said it is a parking lot and it is common ownership. But if you do not want to include the other pad, they would still have enough parking for the existing strip center. There are 46 existing spots for that half of the strip center. It does meet the criteria.

Chairman Kanelos entertained a motion.

Commissioner Dubiel moved to **approve** 21-ZP-24 and 21-ZP-25

- 1) A request for a Special Use Permit to allow a 'Reception Facility' at 7013 Milwaukee Ave, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.
- 2) A request for a Variation from Section 5.2(A)(3) of the Niles Zoning Ordinance required retail uses in ground floor spaces within 250' of signalized intersections for the aforementioned 'Reception Facility' at 7013 Milwaukee Ave, Niles, IL 60714.

Seconded by Commissioner McConville.

Commissioner Dubiel said there is a dynamic economy going on here. He does not know if they will be able to plug in retail at this point.

Commissioner DeBartolo agreed.

Commissioner Dubiel stated he feels this meets all four criteria.

On roll call the vote was:

AYES: 5 Dubiel, DeBartolo, Schulter, McConville,
Kanelos

NAYS: 0

ABSENT: 2 Karabatsos, Nakanishi

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 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 the recording secretary.

Mr. Bruemmer said they are a recommending Board on both because of the passage of a text amendment where Variations tied to Specials Uses move forward together.

3. 21-ZP-27, 7413 Milwaukee Ave

A request for a Special Use Permit to allow a 'Unique Use' (food pantry) at 7412 Milwaukee Ave, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

Ashfaq Hussain, 134 Monroeville Rd., Lake Villa, IL 60046, and Fatima Ashfaq, same address, came to the podium and were sworn in.

Mr. Hussain had nothing else to add to the information given in the packet.

Chairman Kanelos said he was told by Staff this is more of a distribution center than a food pantry. People will not be walking up off the street looking for food. You will be collecting food, packaging it and sending it out to other charitable organizations for distribution, correct?

Mr. Hussain answered that is correct. They originally had some people come because they did not know about it. They are sending teams to various areas to explain.

Chairman Kanelos said if any people come and knock on the door, you can tell them there are three other food pantries in the Village.

Mr. Hussain said they are aware of that. It is the ethnic people they are taking care of within their community that have dietary restrictions.

Commissioner Dubiel said the 2030 Plan calls for this area to be developed to a zero-lot line, correct? And can it also be commercial and residential above?

Mr. Bruemmer said zero to ten. He added if there was a redevelopment there, then yes.

Commissioner Dubiel said the Director recommends approval of this. Can you give us your criteria?

Mr. Ostman answered it is good cause as to what is going in there. If it were a food pantry where people walked in, according to the Zoning Code it would be permitted. But since this applicant was establishing a warehouse, we consider that to be a unique use in itself. It is worth looking at it as a unique use because it is not, in a true sense, a warehouse.

Commissioner Dubiel asked if he could walk them through the standards for a unique use.

Mr. Ostman said he is not going through the standards on whether it was met. His recommendation is because of the uniqueness of this type of use. If they would have allowed persons to walk up, that would be a permitted use. If it were a grocery store that was located on Milwaukee Ave. and they wanted to secure a warehouse on Milwaukee Ave., he would not recommend that as a permitted use. That is his general opinion.

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

Commissioner McConville moved to **approve** 21-ZP-27, 7413 Milwaukee Ave, a request for a Special Use Permit to allow a 'Unique Use' (food pantry) at 7412 Milwaukee Ave, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

Seconded by Commissioner Dubiel.

Commissioner McConville said in his opinion this is the type of unique use in a gray area situation that we want to allow even though it may not fit specifically into the criteria. It is a worthwhile endeavor.

Commissioner Dubiel understands the unique use within a specific community. His concern is that is in conflict with the 2030 Plan. It is not with the spirit and intent of the Comprehensive Plan. Though the applicant has a unique use, it does not fit the last criteria of being affirmative benefit to the surrounding properties for land use and economic standards, keeping it within vibrant retail or office/commercial area. He does not see the need for extraordinary request for this unique use for this commercial property.

Commissioner Schuller asked if the Staff has any concerns about parking.

Mr. Bruemmer said no.

Chairman Kanelos said you need to tell us more than no. It is because this is not a walk-up or drive-up pickup. If it were, there might be an issue.

Mr. Ostman said it is under the Zoning Code that would still be legal, non-conforming. It would be allowed. It is legal that particular buildings have so many parking spaces. There is nothing in the Zoning Code that would require additional parking.

Mr. Bruemmer said along Milwaukee Ave., if it is under the three per 1,000 sq. ft. threshold, it is grandfathered in since they were built with weird parking set-ups so long ago.

Chairman Kanelos said if this were just a plain old walk-up, this Board would not be hearing the case.

Mr. Ostman answered yes.

Commissioner DeBartolo asked if the petitioners were going to have staff meetings there. Then is there plenty of parking? What about a sixteen-foot truck coming in and out.

Chairman Kanelos said yes. It is grandfathered in for whatever use they have.

Mr. Bruemmer said this request was sent out to fire and police and they had no issues with it. They do have a wide area for loading in the back.

Commissioner Dubiel said he wants to withdraw his concerns about this because the conflict is with the Zoning Code. He said it does not go along with the 2030 Plan.

Mr. Ostman said the 2030 Plan is a vision.

Chairman Kanelos said the Plan cannot supersede the Zoning Code.

On roll call the vote was:

AYES: 5 McConville, Dubiel, DeBartolo, Schuler,
Kanelos

NAYS: 0

ABSENT: 2 Karabatsos, Nakanishi

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 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 the recording secretary.

4. 21-ZP-28 & 21-ZP-29, 8852 Milwaukee Ave

- 1) A request for a Special Use Permit to allow a 'Medical/Dental Clinic' at 8852 Milwaukee Ave, Niles, Illinois 60714 as required by Section 8.2(A) of the Zoning Ordinance.
- 2) A request for a Variation from Section 10.4 (table 10-2) to allow for a reduction in the required number of parking spaces from 24 to 18 at 8852 Milwaukee Ave., Niles, IL 60714

Jim Rosequist, property owner, 2115 Manor Lane, Park Ridge, IL 60068, Peter Bianchi, Broker, 3493 Regent Dr., Palatine, IL 60067 and Alex Kim, Chiropractor, 5605 N. Washtenaw, Chicago, IL 60659 came forward and were sworn in.

Mr. Rosequist said Alex wants to move his chiropractic service, currently in Morton Grove. He wants to downsize. He has 2,000 sq. ft. now. Mr. Rosequist's space is just under 1,000 sq. ft. Parking is counted as 18 spaces but in reality, as far as Google map shows, there are spaces behind his strip center that could easily be considered parking spaces. That is where the owners of the various businesses park. There are also two parking spots on the street. [This is being shown on the overhead.] He owns from 8850 to 8860. There could be more than two cars behind there. The building to the north of him has parking on the side street – they actually park across the sidewalk. Alex will be a single use space, 1 chiropractor only. Previously on the southwest corner of the building was Niles Grill. They were able to run two hair stylists, a real estate company and a nail salon and never had any issues with parking. The building next to his has a dentist and another business with a total of five parking spaces. The next strip center has nine parking spaces for five businesses.

Commissioner Dubiel clarified it is Dr. Kim. He asked if he saw the packet. There is a chart that explains how many spaces each business needs in that particular center. The testimony is that the number of spaces required is too high.

Mr. Rosequist said they would have been grandfathered in.

Commissioner Dubiel said he wants Staff to invest in laser pointers. This chart is now called up on the overhead.

Commissioner Dubiel is not sure how Staff came up with the number of required spaces for each business. In Dr. Kim's experience, would he need five spaces for a 1,000 sq. ft. chiropractic office?

Dr. Kim answered he would need a space for himself and one patient an hour. He has no idea where the numbers came from.

There were no more questions from the Commissioners or the public for the petitioner. There were no more questions for Staff as well.

Chairman Kanelos entertained a motion.

Commissioner Dubiel moved to **approve** 21-ZP-28 & 21-ZP-29, 8852 Milwaukee Ave, A request for a Special Use Permit to allow a 'Medical/Dental Clinic' at 8852 Milwaukee Ave, Niles, Illinois 60714 as required by Section 8.2(A) of the Zoning Ordinance. As well as a request for a Variation from Section 10.4 (table 10-2) to allow for a reduction in the required number of parking spaces from 24 to 18 at 8852 Milwaukee Ave., Niles, IL 60714

Seconded by Commissioner DeBartolo.

Commissioner Dubiel believes this request meets the parking criteria as well as the standards set forth in the Code.

Commissioner DeBartolo said she frequents that mall. She also agrees Dr. Kim meets the requirements. There is not going to be a jam up.

On roll call the vote was:

AYES: 4 Dubiel, DeBartolo, Schulter, McConville,

NAYS: 0

ABSTAIN: 1 Kanelos

ABSENT: 2 Karabatsos, Nakanishi

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

