

# VILLAGE OF NILES

1000 Civic Center Drive  
www.vniles.com



## Final Approved Meeting Minutes

Monday, September 12, 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 7:00 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, Terrence McConville, Janet Lee, Morgan  
Dubiel

Also, present was 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 August 8, 2022. There were none.

Commissioner Dubiel moved to **approve** the minutes of August 8, 2022.

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

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

NAYS: 0

There being six (7) 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 before we start to hear tonight's cases.

**OLD BUSINESS**

**NEW BUSINESS**

**1. 22-ZP-23, 8600-8630 W Golf Rd**

A request for approval of four Variations from Niles Zoning Ordinance Appendix B to allow for modifications to an existing parking lot at 8600-8630 W Golf Rd:

- A Variation from Section 10.3(A) to allow a parking stall depth of 18' where 21' is required
- A Variation from Section 10.3(A) to allow a parking stall width of 8.7' where 9' is required

- A Variation from Section 10.3(A) to allow a drive aisle width of 16' where 18' is required
- A Variation from Section 11.6 to allow for no landscaping between the parking lot and the public right-of-way

Greg Kallevig, Village of Niles - Public Works, Engineering, 6815 W. Devon Ave., Chicago, IL, came to the podium and was sworn in. He gave a brief overview. This project is to install sidewalk along Golf Road to Milwaukee Ave where none currently exists. There have been fatalities along that corridor so the Village applied for and obtained Federal/State funding to help build this sidewalk. During assessment of locations to install the sidewalk, we come across things where we need to obtain easements from some of the landowners adjacent to the sidewalk project so we can fit in our sidewalk. We want to put a 6' sidewalk here but only have 4-1/2' available from the back of curb to the right-of-way line. We need another 1-1/2' from this property owner. It came up during discussions with said owner that the existing parking lot, while legal non-conforming, if we take another 1-1/2' from them it is not going to help them or improve their situation. They wanted some assurance from the Village that if they would donate this easement, they are not going to exacerbate their legal, non-conforming situation. They are asking for these variances to their current legal, non-conforming parking lot where everything is essentially going to stay the same except for that south drive aisle. It needs to be narrowed by 1-1/2', going from 17-1/2' to 16'. Other than that, the parking lot stays the same. Because it is a Village project, the Engineering Department is sponsoring this request to help get that done for this property owner.

Commissioner Schuller asked if someone is in attendance tonight who might be representing the owner of the property.

Mr. Kallevig said yes.

Lenny Asaro, Faegre Drinker Biddle Reath LLP, 320 S. Canal, Chicago, IL 60606 came to the front. He is the attorney for the property owner. The property owner is comprised of one LLC and two land trusts.

Commissioner Schuller asked if his firm is in agreement with this proposal to reduce the parking spaces.

Mr. Asaro said his client is in agreement and he has worked with Mr. Kallevig as well as the Village and Ms. Grcic on this request.

Chairman Kanelos said then you have no opposition to this.

Mr. Asaro said they are in support of it.

Commissioner Schuller asked if the easement has been already granted.

Mr. Asaro said no. They have exchanged a draft easement agreement between each other and they are working on finalizing that document.

Commissioner Schulter said then there could be changes.

Mr. Asaro asked if he meant changes to the easement agreement or changes to the requested variations.

Commissioner Schulter said changes to the parking.

Mr. Asaro said he does not expect any changes to the variations requested that are before the Commissioners this evening.

Commissioner Dubiel said the owner is requesting this but the petitioner is the Village. You are not the petitioner, correct?

Mr. Asaro said his firm is not the petitioner. We are in agreement with the petitioner.

Commissioner Dubiel said to the petitioner we know the width but what is the length?

Mr. Kallevig said it is essentially the full length which is about 402'.

Commissioner Dubiel said then approximately 600 sq. ft. is being donated.

Mr. Kallevig said approximately.

Commissioner Lee said regarding the variation of no landscaping of the parking lot between the parking lot and the public right of way, there is no landscaping there now, correct? But what is there now will remain? It looks like there is some in the corners.

Mr. Kallevig said correct.

Commissioner Schulter asked if a guard rail would be in place.

Mr. Kallevig said there is no guard rail. When a sidewalk is placed along the back of curb, they go with a wider sidewalk [6'] to give a little shy distance to go from the back of curb.

Commissioner Schulter asked what would stop a car or truck from backing up with the overhang going into the sidewalk?

Mr. Kallevig said this is a standard situation for a sidewalk.

Commissioner Schulter said not really. The easement should be for the sidewalk, not for the vehicles.

Commissioner Karabatsos said you are still going to have a curb stop for each parking stall.

Chairman Kanelos said Commissioner Schulter is not asking about curb stops. He is asking what if a truck or car hangs over the curb stop onto the sidewalk.

Mr. Kallevig said at this point the curb stop for each parking spot is the barrier that would be in place.

Chairman Kanelos asked if there would be some distance between the curb stop and the start of the sidewalk.

Mr. Kallevig said the curb stop would be the other side of the 1-1/2'. There could be a little overhang onto the sidewalk area.

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

Commissioner Dubiel moved to **approve** item 22-ZP-23, a request for approval of four Variations from Niles Zoning Ordinance Appendix B to allow for modifications to an existing parking lot at 8600-8630 W Golf Rd:

- A Variation from Section 10.3(A) to allow a parking stall depth of 18' where 21' is required
- A Variation from Section 10.3(A) to allow a parking stall width of 8.7' where 9' is required
- A Variation from Section 10.3(A) to allow a drive aisle width of 16' where 18' is required
- A Variation from Section 11.6 to allow for no landscaping between the parking lot and the public right-of-way

In addition, a permanent credit of ten parking spots so that this lot that has 119 will always count as 129 as a thank you to the owner for donating this to the Village.

Seconded by Commissioner McConville.

Commissioner Dubiel said he thinks this is a wonderful thing the long-time owner of this property is doing here for the Village. It is a gift. There is obviously some value to this square footage. This is a small token of our appreciation for their donation. It shows good citizenship. Thank you very much.

Commissioner McConville said he thinks it is very important that sidewalks are being added for pedestrian traffic where none exists. From a safety standpoint, that is important.

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.

**2. 22-ZP-24, 9082-9086 W Golf Rd**

A request for approval of a Special Use Permit per Village of Nilus Zoning Ordinance Appendix B Section 8.2(A) for an Amusement Facility-Indoor' at 9082-9086 W Golf Rd, Nilus, IL 60714

Sean Kim, Kim & Kim Law PC, 5215 Old Orchard Rd., Suite 210, Skokie, IL 60077, attorney for the petitioner came forward. He has a copy of the application. He represents ProAm Golf Inc. The petitioner is present along with a representative of Golf Glen Shopping Mall. The petitioner is requesting to open an indoor screen golfing establishment at this location. This would allow the public to play golf, practice golf, improve their game regardless of the weather. Hours would be from Monday thru Sunday from 9 AM until 1 AM. There will be 7 golf bays with a table at each bay for snacks and drinks. There will be 6 employees - part time and full time - present at all times. Snacks including pizza, hot dogs along with soft drinks and bottled beer will be available. There will be plenty of parking in the center.

Chairman Kanelos said in the packet it states the hours will be Monday thru Sunday 8 AM until 2 AM. You just said it will be 9 AM until 1 AM. Which are the correct hours?

Mr. Kim said 8 AM until 2 AM.

Commissioner Schuller said in the drawing it looks like there are 8 bays. You said there are 7 bays.

Mr. Kim said because of the size restriction only 7 bays will be allowed.

Commissioner Schuller said the bay that is labeled 'private lessons', does it have a screen as a screen as well? Then that would make it 8 bays. He does not want to approve something that says 7 then there are 8.

Sang Nam Pa, 319 Arbor Glen, Schaumburg, IL 60195 came to the podium and was sworn in. Originally, he was planning to do 8 bays. After talking with the Engineering Department he was informed they might have to eliminate 1 bay because of the addition of a handicapped washroom.

Chairman Kanelos said that is an issue of the code and that will be determined by Mr. Pa and the Building Department, correct?

Mr. Pa answered yes.

Commissioner Lee asked if families are welcome.

Mr. Kim answered high school children and older. Mr. Pa clarified all ages as long as they are accompanied.

Commissioner Schuller asked if he could get rid of his slice.

Mr. Pa said he would try.

Commissioner Dubiel said he does not see any concern from the various Village departments. He asked how the Village feels about this type of facility coming in here.

Nathan Bruemmer, Planner I, said initially Amusement Facility - Indoor is kind of a catch-all. It could be something more intensive. Unfortunately, these screened golf facilities fall into that category. They do not have a better definition to fall into.

Commissioner Dubiel said if they just opened thirty days ago, would there be a health, welfare or safety issue that the Village would be concerned about? Mr. Bruemmer said no, but there would be a Zoning conformance issue because it falls in a category that requires a Special Use.

Commissioner Dubiel said if it did not .....

Commissioner Schuller said it is not amusement.

Chairman Kanelos said that applies to everything. Thank you very much. He asked if there were any other questions. He said there could be 250,000 categories. Things fall into certain categories and they have to come before us.

Commissioner Dubiel said but somethings fall outside of categories.

Chairman Kanelos said somethings should but this one does not. Any other questions from the Commissioners? From the public? There were none. He entertained a motion.

Commissioner Dubiel moved to **approve** a request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for an Amusement Facility-Indoor' at 9082-9086 W Golf Rd, Niles, IL 60714.

Seconded by Commissioner McConville.

Commissioner Schulter said he has been golfing for over 50 years. These things are great. It gives us a chance to practice in the winter time.

Chairman Kanelos said it is the first facility of this kind coming to Niles.

Commissioner Schulter said he recommends all the Commissioners go there.

Commissioner Dubiel said he is a non-golfer but he thinks this is a wonderful business to come into Niles.

On roll call the vote was:

AYES: 7 Dubiel, Karabatsos, DeBartolo, Schulter,  
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 meeting date should leave their name and address with the recording secretary.

### **3. 22-ZP-25, 9180 W Golf Rd**

A request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for an 'Amusement Facility-Indoor' at 9180 W Golf Rd, Niles, IL 60714

Colleen Doherty, an attorney with Kolpak Law Group, 6767 N Milwaukee Ave., Niles, IL 60714 came forward. She is joined by Sanjay Dusari, 39160 Paseo Padre Parkway, Fremont, CA 94538. He is a manager of the applicant, Cine Lounge at Niles LLC.

Mr. Dusari was sworn in.

Ms. Doherty said we are here to ask for a Special Use Permit for a movie theatre and restaurant. There are 5 theatres and a restaurant. The restaurant is separate. There will not be food brought into the theater except for the concession area. This was previously a movie theater and restaurant. Unfortunately, Covid shut it down. They are hoping to bring new life to the currently vacant space. They spoke with Staff about parking. Since it was previously conforming with the parking, there was no need to do a special review. The intent is to do Bollywood focused movies but also Hollywood as well.



Commissioner Dubiel asked Mr. Dusari if he expected to have 'RRR' there soon.

Mr. Dusari answered it is already released but we can bring it back.

Commissioner Dubiel said excellent, he would love to see it. He happens to follow the Bollywood movement and there is a film out there that he wants to see.

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

Commissioner Dubiel moved to **approve** a request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for an 'Amusement Facility-Indoor' at 9180 W Golf Rd, Niles, IL 60714

Seconded by Commissioner McConville.

Commissioner Dubiel said from now on he will give the case number to the request in question. He said this is an existing facility and he would like to see it renewed. That area really needs some new development.

Commissioner Schulter said it is great for the community.

Commissioner McConville concurred with Commissioners Dubiel and Schulter. The Golf Glen area has been hit hard with vacancies. Both of these amusement types of uses are good for the Village and will bring in businesses and people. It will help revitalize the shopping center. It is positive.

On roll call the vote was:

AYES: 7 Dubiel, Karabatsos, DeBartolo, Schulter,  
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 meeting date should leave their name and address with the recording secretary.

**4. 22-ZP-26, 7953 N Oketo St**

A request for approval of a Variation from Section 18-171(a) of the Village Ordinance (as allowed by Section 18-172) to erect a fence that extends beyond the front building line to the street, and a Variation from Section 18-171(b) (as allowed by Section 18-172) to allow a fence height of 8' where a maximum height of 6' is permitted at 7953 N Oketo St, Niles, IL 60714.

Mr. Bruemmer said this is a Village initiated application.

Commissioner Schuller has a question. Is the fence going to be a wood, decorative fence? It is not going to be like a Tru-Link fence, is it? [This is between Jerry's parking lot and the home at 7943 N Oketo.]

Mr. Bruemmer said it is going to be a continuation of an existing fence. They are adding 2' to it. It will be wood.

Commissioner Karabatsos spoke. [Inaudible]

Mr. Bruemmer said it tapers down to 4' at that section.

Commissioner Karabatsos questioned the fence being 8'.

Mr. Bruemmer said that is what the Variation is for.

Commissioner Karabatsos asked if they should look into the code because this is a residential fence. Let's say a business backs up to a residential area. Wasn't the maximum height 6'?

Charles Ostman, Director of Community Development, said the code was already amended. They raised it to 7'. Because this resident lives on that particular street, with all the traffic plus the Niles Park District came in with a request for an 8' Variation for their property. The resident felt it only fair she be permitted to have 8' as well.

Chairman Kanelos said he [the Board] feels it is fair also. Could we consider creating a modification to the code where this type of application business to residential is in a busy area could be considered to go to 8' without them having to come before this Board?

Mr. Ostman asked 'considered'? Or do you want it by right.

Chairman Kanelos and Commissioner Kanelos both said by right.

Commissioner Karabatsos said he is in Des Plaines and backs up to a residential area. They made him put in an 8' fence. Otherwise, they would not renew his license.

Mr. Ostman said Staff would take this to the P & Z Committee and see what happens.

Commissioner McConville asked for an explanation of the tapering of the fence along the blue line [being shown on the overhead screen].

Mr. Ostman said the fence will be 8' to the end of the blue line. Then it will taper down to 4' over an 8' span and then carry 4' all the way to the public sidewalk. It will be a transition.

Commissioner Lee said she cannot recall who is the owner of the new fence. From this, it looks like the ownership will go to the resident. Is that what we had decided?

Chairman Kanelos said yes, the existing fence is owned by the property owner. The new fence will be owned by the property owner. The residential owner will be required to maintain that fence.

Mr. Bruemmer said a condition when this was originally before this Board that after the fence is constructed, any future maintenance will be the responsibility of the property owner at 7943 Oketo.

Commissioner Lee asked if the property owner was aware of this and agrees?

Mr. Ostman said absolutely.

Commissioner Schulter asked who is requesting this?

Mr. Bruemmer said essentially the Village because it was passed at the last meeting.

Commissioner Schulter asked if the property owner should be requesting it since they own the property.

Commissioner Karabatsos said because this is how it was passed at the last meeting.

Mr. Bruemmer said Jerry's is applying but the Village is kind of .....

Danielle Grcic, Village Attorney, said there should be no problem as long as the owner is on board and has consented to the process.

Mr. Bruemmer said an alternate reason is because only PI zoned property can request a Variation for a fence and a residential property owner cannot.

Commissioner Schulter said so the owner signed off on taking ownership of this fence and maintaining it.

Mr. Bruemmer said correct.

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

Commissioner Dubiel moved to **approve** case 22-ZP-26, a request for approval of a Variation from Section 18-171(a) of the Village Ordinance (as allowed by Section 18-172) to erect a fence that extends beyond the front building line to the street, and a Variation from Section 18-171(b) (as allowed by Section 18-172) to allow a fence height of 8' where a maximum height of 6' is permitted at 7953 N Oketo St, Niles, IL 60714 with a single condition. After the fence is constructed, any future maintenance and repairs will be the responsibility of the property owner at 7943 N Oketo.

Seconded by Commissioner McConville.

Commissioner Dubiel said he thinks this settles the dispute between the two owners in a thoughtful way and they agreed to it.

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.

**5. 22-ZP-27, 7401 W Oakton St**

A request for approval of a Variation from Section 18-171(b) (as allowed by Section 18-172) to allow for a fence height of 8' where a maximum height of 6' is permitted at 7401 W Oakton St, Niles, IL 60714

Mr. Bruemmer said this request is in tandem with the previous request. This is for the portion of the fence that abuts the church at 7401 Oakton.

Chairman Kanelos said they are extending the same courtesy to the property behind the church. Will there be a stepdown in that fence?

Mr. Bruemmer said there will not.

Chairman Kanelos asked if that fence will go all the way to the street.

Mr. Ostman said this petition is only for the fence directly behind the church. Not behind the parking lot. It is an existing fence as well. Two feet more will be added to the top.

Chairman Kanelos asked if they knew they could have asked for the same thing the homeowner is asking for.

Mr. Ostman said they are requesting a continuation of the 8' fence just like it is at the south end of the lot.

Chairman Kanelos asked if they are satisfied. That is all they are interested in.

Mr. Ostman answered yes.

Commissioner Lee asked if 7401 is the church address. And that is the applicant?

Mr. Bruemmer said yes. The church is technically the applicant but the Village signed off on the application. Everything was explained to them. The property owner at 7943 Oketo will be maintaining this fence also because it is a continuation of the same fence that is along-side their property.

Commissioner Dubiel asked why is this a separate item?

Mr. Bruemmer said because it is two different addresses.

Chairman Kanelos entertained a motion.

Commissioner Dubiel moved to **approve** case 22-ZP-27, a request for approval of a Variation from Section 18-171(b) (as allowed by Section 18-172) to allow for a fence height of 8' where a maximum height of 6' is permitted at 7401 W Oakton St, Niles, IL 60714 with the following condition. After the fence is constructed any future maintenance and repairs will be the responsibility of the property owner at 7943 N Oketo.

Seconded by Commissioner McConville.

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.

**6. 22-ZP-28, 8435-8439 W Golf Rd**

A request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for an 'Amusement Facility-Indoor' at 8435-8439 W Golf Rd, Niles, IL 60714

Nirav Parikh, 1524 Apple Grove Ln, Westmont, IL 60559 came forward and was sworn in. He is looking for a Special Use permit for the property adjacent to Patel Brothers at Golf and Milwaukee. The purpose of his business is an indoor playground facility for ages 6 months to 7 years. Parents can bring their children where there will be play centers, indoor soccer, activity centers, etc. There will be a toddler area as well. A concern for children's places is always safety. We will have our own staff of at least two people watching the children along with the parents. There will be sets they can climb on and sets they can walk around and play with fruit and numbers and things like that.

Chairman Kanelos asked if a parent will be required to remain with children at all times.

Mr. Parikh answered yes. Parents will also sign a waiver that requires them to be there.

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

Commissioner Dubiel moved to **approve** case 22-ZP-28, a request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for an 'Amusement Facility-Indoor' at 8435-8439 W Golf Rd, Niles, IL 60714

Seconded by Commissioner McConville.

Commissioner Schuler said it will be great, especially if you are shopping over there. The husband wants to sit and not shop, so he can watch the kids.

Mr. Parikh said there is plenty of parking because Patel has 316 spots. The lot is being built as we speak.

Commissioner Dubiel said he thinks it will be a unique facility within the Village. He agrees with Commissioner Schuler that this will attract people.

Commissioner McConville concurs. This is good to see businesses coming back in the post pandemic era, especially ones that will bring people into the community. Patel Brothers already does and this will take care of the kids as well while Mom is shopping, according to the stereotype .....

Chairman Kanelos said we have some sexist Commissioners here. He does not let his wife shop because he does not know what she will come home with.

On roll call the vote was:

AYES: 7 Dubiel, Karabatsos, DeBartolo, Schuler,  
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 meeting date should leave their name and address with the recording secretary.

**DISCUSSIONS** - none

**ADJOURNMENT**

Chairman Kanelos entertained a motion to adjourn.

Commissioner Dubiel moved to adjourn.

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

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

NAYS: 0

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

The meeting adjourned at 7:42 PM

Kathleen Janessa, Recording Secretary

Please notify the following people as to the date and time of the next Village Board meeting.

Case 22-ZP-24	Sean (Won Sun) Kim	847-853-9888
Case 22-ZP-28	Nirav Parikh	708-473-5142