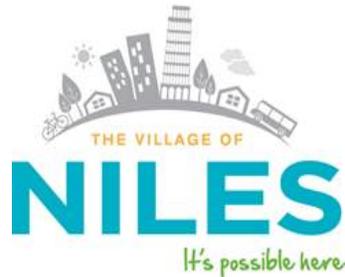


# VILLAGE OF NILES

1000 Civic Center Drive  
www.vniles.com



## Final Approved Meeting Minutes

Monday, October 7, 2019

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/ROLL CALL

The Niles Planning and Zoning Board was called to order at 7:03 P.M. All rose for the Pledge of Allegiance.

PRESENT: 5 Chairman Thomas Kanelos, Commissioners  
Ted Karabatsos, Susan DeBartolo, Barbara Nakanishi  
and Terrence McConville

Also present was Director of Community Development Charles Ostman and Village Attorney Danielle Grcic. Commissioners Morgan Dubiel and Robert Schuler were absent.

### **APPROVAL OF MINUTES**

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of September 9, 2019. There were none. He entertained a motion.

Commissioner Karabatsos moved to **approve** the minutes of September 9, 2019.

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

AYES: 5 Karabatsos, DeBartolo, Nakanishi,  
McConville, Kanelos

NAYS: 0

ABSENT: 2 Dubiel, Schuler

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

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of the special meeting of September 16, 2019. There were none. He entertained a motion.

Commissioner Nakanishi moved to **approve** the minutes of September 16, 2019.

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

AYES: 5 Nakanishi, McConville, Karabatsos,  
DeBartolo, Kanelos

NAYS: 0

ABSENT: 2 Dubiel, Schuler

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

### **PUBLIC COMMENT**

The public is invited to speak after each zoning case has been presented to the Commissioners. This will take place after the Commissioners have asked questions of Staff and the petitioners.

## **NEW BUSINESS**

### **19-ZP-14, 9215-17 N. Greenwood Ave., Kids Empire**

**A request for a Special Use Permit to allow an 'Amusement Facility-Indoor' (Kids Empire) at 9215-17 N. Greenwood Ave., Niles, IL, as allowed by the Village of Niles Zoning Ordinance (Appendix B, Section 8.2(A)).**

Charles Ostman, Director of Community Development presented this case. Originally this was filed as a 'Unique Use' by the Village Planner. That use is incorrect. Staff took it upon themselves to refile it as a 'Special Use' and that is how it appears in front of the Board this evening. Legal notice was published in The Bugle on September 19, 2019. Notices were mailed to property owners within 250 ft. of the proposed location on September 18, 2019. An onsite sign was placed on the property on September 18, 2019. This item is also posted on the Village website. The applicant is looking to open a kids' indoor play area in an outbuilding of the Golf Mill Shopping Center. The building size is approximately 32,000 sq. ft. Kids Empire would occupy approximately 18,000 sq. ft. of this building. The remaining portion of the building would continue to be used as storage by another existing tenant in the shopping center. That tenant is Shop 'n' Save grocery store, which is immediately east of this out lot building. The building had been previously occupied by Lucky McGee's. He wants to address information in the packet that needs correction. The previous planner identified this department as having no concerns. This department does not address any type of concern. That sentence should read no comment instead of no concerns. That is on page 3 of the Staff report.

Chairman Kanelos said to Mr. Ostman the Village has spent a lot of money and Mr. Ostman and Staff a good deal of time creating the Comprehensive Plan of 2030 regarding commercial and retail sites all benefitting the citizens of this town. Does this use jibe or meld well within this Comprehensive Plan in that area?

Mr. Ostman answered this type of business does fit within the Comprehensive Plan. The Zoning Code was redone after the Comprehensive Plan was put into place. That is why there are many uses in the Zoning table in Section 8 identified as Special Use. However, most of these types of businesses are in the manufacturing district of the Village. This item was incorporated into the C-2 district, which is Golf Mill and the adjacent properties. It was put in as a Special Use because they are concerned with all the different types of uses coming out these days. They put it as a Special Use to determine whether or not it would go into a mall setting or into a manufacturing area. It does jibe but there is a concern and that is why it is in the category of Special Use.

Chairman Kanelos asked if there were more questions for Staff from the Commissioners. There were none. He called for the petitioners to come forward.

Olga Nikitaras, VP US Operations, Kid's Empire, 8605 Santa Monica Blvd., #49634, West Hollywood, CA 90069 and John DeWolfe, Sr VP Leasing, Sterling Organization, 239 Golf Mill Center, Niles, IL 60714 came to the podium and were sworn in.

Ms. Nikitaras said Kids Empire is a destination playground. It provides a number of job opportunities as well as providing a place for families to go for entertainment. She thinks it would be an asset to the community. There are 9 locations in the US. Each Kids Empire was put into a location that did not generate as much traffic or where businesses were slowing down. They subcontract some of the work. An example would be birthday parties where they would enlist other businesses in the community to share in the profits, so to speak. They affiliate themselves with school organizations and also give students an opportunity to work. They have been in the US for 3 years and in France for 15 years. They are hoping to open at least 400 locations in the US with at least 10 in the Chicago area including the city of Niles.

Commissioner Karabatsos asked if they were located strictly in malls.

Ms. Nikitaras said they have some Kids Empires located in malls, some in strip malls and some in free standing buildings.

Chairman Kanelos said he is concerned that this is not what was envisioned in the 2030 Plan. The other play type businesses are all in the manufacturing area.

Mr. Ostman said yes, the other businesses like this are in the manufacturing area. There is nothing like this in the C-2 or C-3 zoning districts.

Chairman Kanelos asked Ms. Nikitaras then why is this business necessary for the public convenience at this location? Why wouldn't it be better served elsewhere?

Ms. Nikitaras said there is nothing else like it in the area. If she were a resident, she feels the area needs revamping and needs a fresh space to generate revenue coming into the city.

Chairman Kanelos asked if that could also happen at another location and if she has looked at other locations in Niles.

Ms. Nikitaras said absolutely. They like the community. They have received letters and comments from teachers and different school districts asking her company to look into this area. She would not be the one to ask about other potential locations in Niles.

Commissioner Nakanishi asked if anything is being done to improve Golf Mill.

Mr. DeWolfe said he is here tonight on behalf of Golf Mill. He has met with Mr. Ostman and other members of the Village working on TIF projects and the

Comprehensive Plan. It is 80 acres with 1,000,000 sq. ft. and needs work and redevelopment. There is a lot of vacancy at this time. Going forward there is not going to be 1,000,000 sq. ft. of retail in this current environment. They are looking at ways to reinvent that site. Kids Empire along with AMC Theatres [which is already in place] is a good fit for that location. Entertainment businesses are popular in these sites now.

Commissioner Nakanishi asked if there is a master plan for regenerating Golf Mill.

Mr. DeWolfe said they are working on that now.

Commissioner Nakanishi said if a master plan is put together, that building [formerly Lucky McGee's] may be razed, correct?

Mr. DeWolfe said yes, that is a possibility.

Commissioner Nakanishi said there is a business at Howard and Waukegan called Play and Spin. It is similar to the one being proposed.

Ms. Nikitaras is not familiar with that. The difference is Kids Empire holds a lot of field trips. They also assist with kids' scholarships. They primarily rely on kids having jobs helping with parties and hosting. They have low income families come in. It gives families an opportunity to bond. They are not big on arcades. They want the families to exercise, run around. At other locations they have special needs students come in because they do not necessarily have a safe place to go and 'soft' play. They just want kids to have fun being children and this also allows parents to get involved.

Commissioner Nakanishi asked Mr. DeWolfe if, since they are developing a master plan, this company can wait until that is developed.

Mr. DeWolfe said he understood what she was asking. They have been in discussions for a while with the company and this use would complement the kind of use they are trying to create.

Commissioner Karabatsos was speaking but it is inaudible. It refers to a master plan.

Chairman Kanelos asked what are the ages catered to at Kids Empire.

Ms. Nikitaras said there is a diaper section catering to toddlers. Then it goes up to middle age students - approximately 8<sup>th</sup> grade. They do have high schoolers but it is primarily younger children. There is another Illinois location in Villa Park in the center of a strip mall.

Chairman Kanelos said the fire department has some concerns about the semi-truck traffic associated with Shop 'n' Save grocery store. He has the same concerns. Who monitors security inside the building and who monitors the children?

Ms. Nikitaras said there are locked gates. There are floor monitors all the time making sure everyone is following rules and regulations. The kids cannot enter on their own. There must be an adult with them at all times so parents can monitor their own children. 17 and under is considered a child. If they think someone is under 17 and not with an adult, they cannot enter. That is a safety issue for them as well as the younger children. The older kids may tend to get rowdy.

Commissioner DeBartolo asked how children would be monitored outside walking to their car or as part of a field trip.

Ms. Nikitaras said on a field trip there is an area where buses pull up and a staff member is outside to escort them in. Once inside there are other staff members in the lobby to check them in. The same holds true for when the children leave.

Commissioner DeBartolo asked how the children are protected from the other half of the building where trucks may be coming in and out. How do they know who else is entering the building?

Ms. Nikitaras said there is only one point of entry. All other doors are sealed except for emergency exits. All doors have alarms and are in sync with a 24-hour camera system. Safety is their primary concern.

Commissioner Karabatsos asked the hours of operation.

Ms. Nikitaras answered 10:00 a.m. until 8:00 p.m. weekdays; 10:00 a.m. until 10:00 p.m. weekends.

Commissioner McConville asked if the Sterling Organization that owns Golf Mill is the same Sterling Company that is doing other business in the City of Chicago.

Mr. DeWolfe said no. That other company is Sterling Bay and they are a separate company. Sterling Organization is out of Palm Beach, Florida separate from Sterling Bay. Sterling Organization has owned Golf Mill since 2014.

Commissioner McConville asked, hypothetically, if after Golf Mill implements their master plan for revitalization and it is decided to raze the building in which Kids Empire is a tenant, would they seek to place that business within the shopping center.

Mr. DeWolfe said they would make every effort to accommodate them.

Commissioner McConville asked what is the master plan for Golf Mill.

Mr. DeWolfe answered at this stage it is too preliminary. They are looking at mixed uses. The 1,000,000 sq. ft. available is not going to be strictly retail going forward.

Commissioner Nakanishi asked about the vacant Sears store and if that would be a good location for this business.

Chairman Kanelos said it is not this Board's place to tell them to look at other sites. He ruled that question as a friendly out of order. He asked if there were any more questions from Staff or the public. There were none. He added his own additional comments. He feels this is not in line with the Village's Comprehensive Plan. He also has safety concerns and that the location is out of sync with the locations of where the 4 or 5 others kids places are within the Village. If there is a motion, he will entertain it.

Commissioner McConville moved to **approve** and allow a request for a Special Use Permit to allow an 'Amusement Facility-Indoor' (Kids Empire) at 9215-17 N. Greenwood Ave., Niles, IL, as allowed by the Village of Niles Zoning Ordinance (Appendix B, Section 8.2(A)) case 19-ZP-15.

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

AYES            1        McConville

NAYS:           4        Karabatsos, DeBartolo, Nakanishi, Kanelos

ABSENT:        2        Dubiel, Schulter

There being four (4) negative votes the motion was not approved.

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

**19-ZP-19, 6620 Wood River Dr.**

**A request for approval of a variation from the Niles Zoning Ordinance Section 4.3(A) from the rear setback requirements for a proposed rear addition to an existing townhouse.**

Mr. Ostman stated that the applicant requested this item be continued until the next Zoning Board meeting November 4, 2019.

**19-ZP-20, 6944 Lexington Lane**

**A request for approval of variations from the Niles Zoning Ordinances Sections 10.3(4)B, 10.3(4)C and 10.3(4)E from off street parking design requirements for a driveway resurfacing.**

Mr. Ostman is showing the layout of the home on the overhead screen. This request is for a driveway variation that exceeds 20 ft. at the front lot line; exceeds a 45-degree angle taper; and extends past the width of the garage away from the interior lot line closest to the driveway at 6944 Lexington Lane. Legal notice has been published in The Bugle and has been posted on the property. It is also posted on the Village website and in the lobby of the Village Hall. The applicant is proposing to rebuild the driveway at this address. They plan on removing the entire concrete driveway and replacing it with brick pavers using the same dimensions. According to the Village Zoning Code, the driveway is non-conforming for the following 3 reasons:

1. Section 10.3(4)B restricts the maximum size of the driveway to 20 feet at the front property line.
2. Section 10.3(4)C states the driveway may exceed 20 ft. at the garage but must taper down to 20 ft. at the front lot line with the taper not exceeding 45 degrees at any point.
3. Section 10.3(4)E says the driveway in the front yard may expand beyond the width of the garage but only toward the interior side lot line closest to the driveway.

The view on the overhead depicts the current situation. The applicant is looking to replace it exactly as it is but with brick pavers.

Chairman Kanelos asked if this is the original driveway at this house.

Mr. Ostman said he believes so.

Chairman Kanelos said then Staff would not know if this driveway was put in with a permit or expanded. Would Mr. Ostman have a record of that?

Mr. Ostman said no, he would not. The code was changed around 2003 because at that time there were requests from property owners wanting to pave their entire front yard. Unfortunately, that is why there were more restrictions put in place. This driveway was probably legal conforming before that code was changed. It was allowed at that time.

Chairman Kanelos asked if the Commissioners had any questions for Staff.

Commissioner Nakanishi asked if the brick pavers were going to be impervious.

Chairman Kanelos said an impervious lot cover is not an issue on this. This petitioner is replacing this driveway exactly as it is now. At the time it was originally put in, it was legal conforming.

Mr. Ostman answered yes.

Chairman Kanelos called for the petitioners to come forward.

Grace Neville and Jim Fuglsang, 6944 Lexington Lane, Niles, came to the podium and were sworn in. They bought the house 21 years ago. They were told it was the original driveway when they purchased the house. They want to replace the concrete with brick pavers and keep it the exact same size.

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

Commissioner Nakanishi moved to **approve** 19-ZP-20, a request for variations from the Niles Zoning Ordinances Sections 10.3(4)B, 10.3(4)C and 10.3(4)E for a driveway that exceeds 20 ft. at the front lot line, exceeds a 45-degree angle taper and extends past the width of the garage and interior lot line closest to the driveway at 6944 Lexington Lane.

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

AYES: 5 Nakanishi, McConville, Karabatsos,  
DeBartolo, Kanelos

NAYS: 0

ABSENT: 2 Dubiel, Schalter

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

**19-ZP-21, 6940 Cleveland St.**

**A request for approval of variations from the Niles Zoning Ordinance Section 4.3 (Table 4-1) from the rear yard and side yard setback requirements for two proposed additions to an existing house.**

Mr. Ostman put up the site plan on the overhead screen. This notice was published in The Bugle. It was also posted on the property and property owners within 250 ft. were notified by first class mail. It is on the Village website and posted in the lobby of the Village Hall. The owner is proposing to remodel an existing home by adding a second story addition along with enlarging the garage and adding a family room and mudroom on the first floor. The property is zoned R-2 35 A and is considered a reverse corner lot. As such it has a non-conforming rear yard that is only 5.59 ft. deep, where 20 ft. is required. The property owner wants to expand the garage by 3.19 ft. allowing him room to park a second car. This would result the rear yard setback to be 2.4 ft.

Chairman Kanelos said the information in the packet says the owner is requesting variations from the rear yard and side yard setbacks. Are they looking at 2 variations from setbacks? Corner lots are always confusing.

Mr. Ostman it should just be the rear yard. There is no variation necessary for the side yard.

Chairman Kanelos said it is confusing because what looks like the side yard is actually the rear yard because it is a reverse corner lot. What people would think of as a rear yard at the top is actually the side yard. [Shown on the overhead.] The addition at the back of the house would be 8 ft. from the lot line and still conform.

Mr. Ostman said yes.

Chairman Kanelos asked if there were questions for Staff from the Commissioners. There were none. He asked the petitioners to come forward.

Dan Contreras, Kipnis Architecture, 1642 Payne St., Evanston, IL and Daniel Springer, homeowner, 6940 Cleveland St. came to the podium and were sworn in.

Mr. Contreras said it was originally confusing because everyone thought the front yard was Cleveland St. but after clarification with the Zoning Department, Newland Ave. is actually the front yard even though the front door is on Cleveland. The variance is only for the rear yard. There is currently no basement in the house. There is an existing garage on the west side that is substandard, only 15 ft. deep and 1-1/2 cars wide. Sandra [Mrs. Springer] cannot park in the garage because her car is too long. They are trying to push that garage to the west a little bit to make it a full 2 car garage and make it a full depth standard of 20 ft. Then the family room gets pushed out to the north. The second story addition is within the footprint of the existing first floor.

Chairman Kanelos said the first floor addition is still encroaching on that side.

Commissioner Nakanishi said the elevation of the second floor doesn't match the elevation of the [inaudible - papers are being shuffled].

Chairman Kanelos said let us keep this to just a zoning issue.

Mr. Contreras is speaking but the Commissioners are turning pages from their packets and it is being picked up by their microphones.

Commissioner Karabatsos, Chairman Kanelos and Mr. Ostman are discussing the side yard versus rear yard requirements. The side yard [which is actually in the back of the house] will be conforming with the addition.

Chairman Kanelos asked the owner how long he has owned the house.

Mr. Springer stated 33 years.

Chairman Kanelos asked to owner to explain how he answered the following question in the application:

Question: please explain how the plight of the owner has not been created by any person presently having a proprietary interest in the property in question.

Answer: because of a very large, high quality tree in the front yard. That is not an answer to the question. The code is what caused the hardship. The desire to make the garage bigger is what caused the hardship. There are a lot of one car garages in Niles. He has one that he wishes to make bigger but cannot. He does not see how this hardship is created by anyone but the owner. Does anyone have a comment?

Mr. Contreras said the garage dimensions are substandard and that is not something that was created by the owner. The depth of the garage is less than 15 ft.

Chairman Kanelos said the garage has been that way for 33 years. Maybe at one time a car did fit in that garage. As a builder, he knows it is a very short garage. The depth can be addressed. But the owner wants to take it to a 2-car garage which is not a hardship.

Commissioner Nakanishi asked if there was a plan showing existing conditions.

Chairman Kanelos said it is in the packet.

Mr. Springer said the neighbors to the west sent a notarized letter to the Zoning Board.

Chairman Kanelos said he has seen it. Those neighbors are not here tonight so we cannot ask any questions. We can confirm we have the letter. Without them being here, it does not really matter. That is why we encourage people to come so they understand exactly what is taking place. That whole side of the house is going to be 2 ft. from the lot line. He does not know of anything in Niles that is like this.

Mr. Contreras stated it is not the whole building, only the first 20 ft., the length of the garage.

Commissioner Nakanishi asked about the elevation on the house next door. Are there windows that would face this proposed garage? How far away is that house from their own lot line?

Mr. Springer said there is a bathroom with a glass block window on that side. He does not know how far their house is from the lot line, but it is not as close as his.

Commissioner Karabatsos asked if Mr. Ostman could show an aerial view of the house on the overhead screen.

Chairman Kanelos asked how far in is the foundation. He was told it would be 2 ft. However, that does not take into account the overhang.

Commissioner Nakanishi wondered what if the neighbors wanted to put on an addition and their windows would face Mr. Springer's addition.

Chairman Kanelos added what if they wanted to build closer to their lot line.

The Commissioners are discussing the aerial view of the neighborhood and how far apart the homes are.

Mr. Contreras asked once more about the notarized letter from the neighbor next door.

Chairman Kanelos said they cannot take that into account. We do not know what they were told or if they were shown pictures of what this will look like. The letter only states dimensions. He asked if there were more questions from the Commissioners. There were none. There were no questions from the public. He entertained a motion.

Commissioner Karabatsos moved to **approve** 19-ZP-21, s request for approval of variations from the Niles Zoning Ordinance Section 4.3 (Table 4-1) from the rear yard and side yard setback requirements for two proposed additions to an existing house at 6940 Cleveland St.

Chairman Kanelos asked if he makes that motion and does it meet the requirements of the all the questions on the application. Do you understand how the hardship was created?

Commissioner Karabatsos said yes.

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

AYES: 2 Karabatsos, McConville

NAYS: 3 DeBartolo, Nakanishi, Kanelos

ABSENT: 2 Dubiel, Schulte

There being three (3) negative votes the motion was not approved.

Mr. Contreras asked if there were any alternatives to pursue.

Chairman Kanelos urged him to speak with Mr. Ostman about this. Everything is fine except the garage size.

**19-ZP-22, 9515 Milwaukee Ave.**

**A request for approval of a variation from the Niles Zoning Ordinance Section 10.4 (Table 10-2) to allow for a reduction in the required number of parking spaces.**

Mr. Ostman presented this case. Legal notice was published in The Bugle newspaper and notices were mailed to property owners within 250 ft. There is a sign posted on the property. It is shown on the Village website and posted in the lobby of the Village Hall as well. The applicant owns a commercial center at 9509 to 9519 N. Milwaukee Avenue. The commercial center has 29 parking spaces in its front lot as well as a non-striped area behind the building that the applicant said could hold 10 more spaces. However, the back lot can only be accessed by driving around the neighboring building at 9465 - 9483 Milwaukee Ave. to the south. There is no signage on the premises that shows there is additional parking in the back. The restaurant is interested in opening at 9515 N. Milwaukee Ave. It is the former site of Radio Shack. The restaurant would be the third location of this chain of casual fast food serving vegetarian Indian cuisine. The other locations are Rogers Park and Hoffman Estates. Mr. Patel proposed this Nilas location to have about 50 seats. The space he would be moving into is 3,475 sq. ft. and he expects 2,200 sq. ft. to be used for kitchen space and storage. The Community Development department evaluates parking requirements for all multi-tenant buildings under common ownership. Ms. Gloria Karas owns 6 commercial tenant spaces within the multi-tenant center including the vacant space for this proposed restaurant business. Section 10.4 (Table 10-2) of the Nilas Zoning Ordinance lists the required off street parking spaces based on use type. Restaurants with 11 or more seats require 10 spaces per 1,000 sq. ft. of gross store area excluding the kitchen area. The table on the following page [in the packet] breaks down the parking requirements per use for Ms. Karas' strip center demonstrating the addition of the proposed restaurant and showing the total number of required parking spaces to be 69. With 29 existing spaces, there would be a deficiency of 40 parking spaces. The aerial view of the site plan is on the overhead screen.

Commissioner Nakanishi said the fire department has a concern about being able to respond. Can you show that area on the overhead?

Chairman Kanelos asked Mr. Ostman if he could please have a representative from whatever department has a concern to please attend these meetings from now on.

Mr. Ostman said he would have to pull up Google Earth to show the actual location of the area in question. He is pointing to the location of the proposed restaurant. He showed the surrounding area as well including Four Flags Shopping Center and Patel Brothers grocery store. The fire department does not know that Four Flags Shopping Center put up bollards within the last couple days at the access point from the shopping center into the area of Patel Brothers parking lot at the rear. It appears those bollards will be going away because there is a cross access agreement that is documented. That means there will be free access from the shopping center to Patel Brothers including the area where the back of the proposed restaurant is located.

Commissioner Nakanishi said she doesn't understand why the fire department has an issue with responding.

Mr. Ostman is pointing to the area that the fire department is concerned about. This is around the stoplight that people line up to exit the center and no cars can get through entering to turn left into either the strip center where the proposed restaurant will be or further along into the Patel Brothers lot.

Commissioner DeBartolo explained the problem. Traffic gets jammed at the traffic light near Starbucks.

Commissioner Karabatsos is speaking. [Inaudible] He asked if this center was all retail, how many parking spots would be available?

Chairman Kanelos said 3 per 1,000 sq. ft. of space.

Commissioner Karabatsos said 45 spots would be required.

Chairman Kanelos said without this restaurant there are already 56 spots required. This restaurant is adding 13 spots. That is 69 spaces. If it were retail you would need 6 fewer spots.

Mr. Ostman said that totaling the square footage, there is already language existing in the code that it conforms as long as it meets the retail parking of 3 spaces per 1,000 sq. ft.

Chairman Kanelos said the center is about 18,000 sq. ft. If it was all retail, they would need 54 spots. They are already over that number. This building was built during an earlier code and parking was sufficient at the time.

Commissioner DeBartolo asked if when this Board passed the physical therapy application, did they put in this same request for parking?

Mr. Ostman said he does not remember.

Commissioner DeBartolo said she thinks so because of the hours and the number of people coming in.

Chairman Kanelos asked if there were more questions for Staff. There were none. He called the petitioners forward.

Kiki Ress, Coldwell Property [broker for the property owner, Ms. Gloria Karas], 1420 Waukegan Road, Glenview, IL 60025 and Bhavesh Patel, restaurant owner/petitioner, 2605 W. Devon Ave., Chicago, IL 60659 came to the podium and were sworn in.

Ms. Ress said yes, the center is about 18,000 sq. ft. There are 2 vacancies. One has been vacant since March of this year and the Radio Shack store has been

vacant for about 4 years. Every time she tries to lease it out the parking is not adequate. This is true, especially for restaurants. Every time they want a business license the answer is no. Looking at the situation, she monitored most of the businesses. Sibilano Chandeliers occupies about 3,000 sq. ft. and has approximately 1 or 2 customers per day. Angelo Cabinetry has 3,500 sq. ft. and is a showroom by appointment only so they do not have any cars in front. Sleepy's has maybe 3 to 6 customers a day. Fyzikal Therapy does have people coming in and out. [Most of her testimony is inaudible.] She feels Milwaukee Avenue is pretty busy. There are a lot of strip centers and little restaurants in the area. She thinks this restaurant would be a good fit because it is fast casual and people will go in and out quickly. It will be a good fit for the community as well because there are not a lot of vegetarian restaurants around.

Chairman Kanelos addressed the petitioner. He said he showed a floor plan of his restaurant in Chicago [Rogers Park]. Is this proposed restaurant going to be of similar design and seating? How many seats will be in the proposed restaurant? What are the hours?

Mr. Patel answered he would like to have 50 seats or whatever code allows. Hours are from 11 a.m. until 9 p.m. during the week and 11 a.m. until 10 p.m. on weekends. The busiest hours are from 7 p.m. until 9 or 10 p.m. Actually 60% to 70% of his business is takeout and delivery. Now it is less and less takeout because of food delivery services such as Door Dash, etc. Those services are in and out in 2 to 3 minutes.

Chairman Kanelos asked what percentage of the business is delivery? And what percentage is lunch and what is dinner?

Mr. Patel answered 50% is delivery. Lunch is 30% and dinner is 70%.

Chairman Kanelos said then during the day there is less traffic on the property. Traffic is more a nighttime thing, correct?

Mr. Patel said yes. Since it is fast casual and not fine dining, people are not likely to spend an hour or hour and a half.

Commissioner DeBartolo asked if there is competition in Niles.

Mr. Patel said no. It is a different concept. They have been around for 30 years. They have been in Rogers Park the entire time and opened in Hoffman Estates 2 months ago.

Commissioner DeBartolo asked where will the delivery drivers pick up the food?

Mr. Patel said since they have parking in the back, he will tell all delivery services to come to the back so they do not take up any parking in front. The landlord is going to pave and stripe the spaces in the back.

Commissioner Karabatsos asked if he was worried about patrons from Patel Brothers parking in front of his restaurant.

Chairman Kanelos said that is more of a problem for Patel Brothers if people decide to leave their cars in that lot after shopping and walk over to Mr. Patel's proposed restaurant for a bite to eat. He added basically whatever business tries to go into the center, it will require a variation for parking.

Mr. Ostman said unless it is strictly retail.

Chairman Kanelos said they already need 48 spots for the existing tenants. They are already past that count. Nothing they do can get them near 29. It does create a hardship for this business.

Mr. Patel said he understands all the other tenants close around 5 or 6 p.m.

Ms. Ress said most of them close at 6 p.m. except Sleepy's [which is Mattress Firm] closes at 8 p.m.

Commissioner DeBartolo asked if they could mark the entrance so people would know where to go.

Chairman Kanelos said there is not much the fire department could do to fix that problem.

Mr. Ostman answered to address that concern, the Village has a good relationship with Four Flags Shopping Center and they are now working on the problem of cars bottoming out on Golf Road but will now address this issue as well. [The entrance on Milwaukee Ave. at the stoplight.] He recommends adding a condition that the parking spaces in the back are paved and striped.

Ms. Ress said they are paved. They will be striped parallel to the building.

Commissioner DeBartolo asked how many employees will be there at one time and will Mr. Patel direct them to park in the back.

Mr. Patel said there will be 5 to 6 employees. They mostly live in the area. They will be instructed to park in the back.

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

Commissioner McConville moved to **approve** 19-ZP-22 for a request for approval of a variation from the Niles Zoning Ordinance Section 10.4 (Table 10-2) to allow for a reduction in the required number of 69 parking spaces with the addition of 10 additional spaces in the rear of the building to be striped. He would

add signage in the front of the building to advise customers there is parking in the back.

Commissioner Nakanishi added a friendly amendment for handicapped parking.

Commissioner McConville added there must be 2 spaces designated for handicapped parking with a shared access aisle. If not next to each other then 2 access aisles.

Chairman Kanelos advised Mr. Patel he will be bound to follow the requirements written into the approval or he will not get the business license.

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

AYES: 5 McConville, Karabatsos, DeBartolo,  
Nakanishi, Kanelos

NAYS: 0

ABSENT: 2 Dubiel, Schulter

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

## **DISCUSSIONS**

None

## **ADJOURNMENT**

Chairman Kanelos entertained a motion to adjourn.

Commissioner Nakanishi moved to adjourn.

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

AYES: 5 Nakanishi, McConville, Karabatsos,  
DeBartolo, Kanelos

NAYS: 0

ABSENT: 2 Dubiel, Schulter

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

The meeting adjourned at 8:28 p.m.

The following individuals would like to be notified of the next Board of Trustees meeting.

Item 19-ZP-15

Olga Nikitaras, VP US Operations  
Kid's Empire  
8605 Santa Monica Blvd., #49634  
West Hollywood, CA 90069  
310.849.8001  
olga@kidsempire.us

John DeWolfe, Sr VP Leasing  
Sterling Organization  
239 Golf Mill Center  
Niles, IL 60714  
847.699.1079  
jdewolfe@sterlingorganization.com