

JAMES CALLERO, CHAIRMAN
GEORGE ALPOGIANIS
ANGELO TROIANI
ALAN WEEL
THOMAS KANELOS
KAREN DIMOND
THOMAS SURACE

The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:30 P.M.

Present along with Chairman Callero were Commissioners Alpogianis, Weel, Kanelos, Dimond, Surace and Troiani.

Joseph Annunzio, Village Attorney, was also present.

Commissioner Alpogianis moved to approve the minutes of March 3, 2008 as presented.

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

AYES: 5 Alpogianis, Weel, Kanelos, Troiani, Surace
NAYS: 0
ABSTAIN: 1 Dimond

There being five affirmative votes the motion carried.

Chairman Callero announced that it has been the practice of the Board that any members desiring to review the upcoming matters on the agenda would meet with Mr. Charles Ostman, Director of Community Development, and Mrs. Kimberly Frederick, Secretary, on the day of the hearing at 1:30 P.M. The purpose of this meeting is to review the sites and the surrounding environment to ascertain conditions which may require special consideration at the subject hearing. Anyone who wishes to accompany the members is invited to meet at the Administration Building, 1000 Civic Center Drive, Niles, Illinois, prior to 1:30 P.M. They will be given the agenda and the locations of the sites to be visited. This public announcement is made to conform with the Open Meetings Act of the State of Illinois and is deemed to be a public notice.

To be heard this evening:

08-ZP-06 – Mr. Pat Loukas, LDP Development LLC, 4061 N. Milwaukee Ave., Chicago, IL 60641 – Requesting a variance to Niles Zoning ordinance section VIII (B)(5)(b) to the rear yard setback from the required 20' to 13' (35%) to construct a new commercial/retail building at 8200 W. Oakton Street.

08-ZP-07 – Blandyma Krupski, Owner, 7633 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use to Niles Zoning ordinance section VIII (B)(3)(1) to offer massage therapy at 7633 Milwaukee Ave.

Chairman Callero called for the first matter on the agenda.

08-ZP-06 – Mr. Pat Loukas, LDP Development LLC, 4061 N. Milwaukee Ave., Chicago, IL 60641 – Requesting a variance to Niles Zoning ordinance section VIII (B)(5)(b) to the rear yard setback from the required 20' to 13' (35%) to construct a new commercial/retail building at 8200 W. Oakton Street.

Michi Mho, Neri Companies, 145 S. Northwest Hwy., Park Ridge, IL 60068 and Angelo Demeros, representing LDP Development LLC, 4061 N. Milwaukee Ave., Chicago, IL 60641 stepped forward.

Chairman Callero stated please raise your right hands. Do you solemnly swear to tell the whole truth and nothing but the truth?

Both gentlemen stated I do.

Mr. Mho stated the proposed site is at 8200 W. Oakton. It is a lot size of 17,724 sq. ft. It is zoned B-1 with an allowable FAR of 1.8, which would allow a building size of 31,900 sq. ft. It is currently occupied by an abandoned one story brick building with a non-descript parking area and very large driveways. What we propose is a one story brick, frame and block retail building which will be approximately 5,200 sq. ft. with 22 parking spaces and the 5,200 sq. ft. plan be sub dividable into 5 – 1,042 sq. ft. spaces. The parking would be located in front, which would be to the south, in an attempt to distance it from the residential area to the north. It can be accessed from Oakton and north Prospect. The new drive at Oakton would be located at the far end of what is the existing drive. It would be 24 ft. and would allow two way traffic which will most probably be right in and right out only. The Prospect drive would be located at the south end of that existing drive. It will also be 24 ft. and allow two way traffic; however that one will probably be full access in that it would be left in, left out, right in and right out. The building will be located just north of the parking area with enough room to allow landscaping along Oakton and a 6 ft. parking lot and a 6 ft. walk in front of the entrances to the retail stores. The building is also set 6 ft. from the west property line and, by code, 25 ft. from the property line at Prospect. The front set back at Prospect allows us the opportunity to landscape that side of the building and provide users an outdoor space. We felt that the optimal size for retail space for a building of this size and at this location would be about 1,000 to 1,500 sq. ft. and a depth of at least 50 ft. in order to attract a good, stable quality retailer. By locating the parking at the south end of the lot in a more maneuverable and organized configuration, we cannot achieve the optimal depth of 50 ft. and still maintain a 20 ft. rear setback. Therefore we are requesting a variance to the rear yard setback from 20 to 13 ft. as was stated earlier. The original submittal does show 10 ft. as you know, but we are asking for 13 ft. to allow an additional 3 ft. The additional 3 ft. came about upon the engineering review; they were requesting access to what is an existing easement at the north property line. The 13 ft. that will exist between the building and the north property line will be fully landscaped with a hedge row and select tall evergreens which will help break up that expanse of hedges. The setback will also contain a sidewalk which accesses the rear of the stores and allows the users access to the trash enclosure which will be located at the west end of the lot and set back from the front face of the building. By locating the trash enclosure there we distance it further from the residential area and also minimize the amount of pavement required to access the actual trash enclosure. We believe that the proposed use and site plan will be an improvement to the site's current condition and will enhance the area with a new facility and additional landscaping and green space which the lot currently lacks. By allowing this variance, the building has the potential to attract quality retail tenants that will continue the existing character along Oakton and will be an asset to the area.

Chairman Callero asked are there any questions or comments from the Board.

Commissioner Weel asked for clarification regarding the curb cut on to Oakton. Will it be a right turn, right in and right out only?

Mr. Mho stated that is what we are planning and proposing.

Commissioner Weel asked what type of tenants do you look to attract at a site like this.

Mr. Demeros stated we are looking for a mixed use retail/office. Could be a dentist's office or a small retail family owned business.

Commissioner Dimond asked how far back is the current building from the back lot.

Mr. Demeros stated it is approximately 72 ft.

Commissioner Dimond clarified and asked how far is the setback from the current building to the back lot line.

Mr. Demeros stated I believe it is 25 ft.

Commissioner Dimond stated I understand you plan on putting landscaping around the Prospect side and along the Oakton Street side, is that correct? It is mostly covered with asphalt and concrete right now. Are you going to be putting in more green space than I see there now?

Mr. Demeros stated absolutely. That 25 ft. side yard (overview where it says patio along the Prospect side) will all be landscaped with larger landscaping.

Commissioner Alpigianis stated I would like to make a brief comment for people in the audience and on the Board. This corner has been an eyesore for a long time in the Village. From what I'm seeing I know this Board has been very adamant about landscaping. Looking at the girths of the trees they are putting in at 3-1/2 and 4 inch girth, it seems this is going to be a nice addition to our Village and to the neighborhood itself. Hopefully it will get rented out quickly too.

Chairman Callero asked are there any other questions or comments from anyone on the Board. There were none. Any questions or comments from anyone in the audience?

Mrs. Lisa Mergens, 8143 Oak Lane, Niles, IL stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

Mrs. Mergens stated yes I do. She then stated I am one of two properties adjacent to the rear of this proposed property. Quite frankly I like the way it looks. I think it is an eyesore the way it is now. It has been like that since the day we bought the house. However, my problem is with the setback. It's about 20 to 22 ft. from the rear of it now to the fence that is there. We have about 15 ft. of green space from the back of our house to the fence line there. By moving that closer to our property line is a hazard if there was a fire. I have children and I like the idea (of the proposal) and would like to see the area as it is now gone, but if there was a fire in the back of your building or

the back of mine, how do they get in? We don't have alley spaces; we're not living in the city of Chicago. It's a problem for us. I like the idea, I like the way it looks but by moving it closer to my house, that's a problem. Where are the garbage cans going to go? The E-Z Mart, while it's not the prettiest thing to look at, has been very gracious in keeping their garbage away from the fence. The animals were bringing it into my yard. The way I'm looking at this I am wondering how.....I see now you've got it at the front of the building.

Commissioner Weel directed Mrs. Mergens to look at the rendering on the overhead. If you look at the first enclosure at the west end of the building, that is where the trash enclosure will be.

Mrs. Mergens stated that is great. I have 50 ft. arborvitaes at the back of my house. That is in place and you will put all these along (from overhead) which is dense and that is nice but again, my problem is with the fact that it is going to be setback closer to my house. That brings people closer to my property line. They could be looking in or doing whatever. With three small children, I'm not really comfortable with that. These are rentals, not my neighbors that I know. That's our problem.

Commissioner Troiani stated we have comments from the Niles Fire Department and Chief Mueller said there is no problem with fire protection on this property. (Coincidentally, Mrs. Mergens purchased Chief Mueller's house.)

Mrs. Mergens asked is the Village willing to stand behind that and say Mrs. Mergens, if something happens we will be responsible because we can't get at it.

Commissioner Troiani asked what is the Village going to stand behind.

Mrs. Mergens stated I don't know. Barry (Mueller) can say that all he wants but he's not living in the house anymore.

Commissioner Troiani stated there are no physical problems with it being built like this.

Chairman Callero stated we get a report on every piece of property that comes before us from the police department, the fire department, the engineering department, etc. We get a lot of documents.

Mrs. Mergens stated I understand that but it is still that much closer to my house and when we bought the house we knew we had a safe distance.

Commissioner Troiani stated you are going to lose about 7 ft.

Mrs. Mergens stated 7 ft. is quite a lot. I would hope my voice counted in this matter.

Commissioner Troiani stated the problem we've got is we have to give them something to be able build there so they can utilize it, sell it.

Mrs. Mergens stated I absolutely agree.

Commissioner Troiani stated they're not going to cut it down any smaller.

Mrs. Mergens stated so basically I'm standing here for nothing.

Commissioner Weel stated no, not at all. As Commissioner Troiani is stating, whatever we put there we have to give up something. We just have to. With the number of parking spaces required, if we take the building and move it forward, we are going to lose parking. We can't do that. So you're going to have to give something to get something. Unfortunately. Throughout this community we have had retail centers like this with setbacks of this request at a 35% variation and we have issued them. Again, we would like to get it to 20 ft. but there are certain times and certain cases where we cannot. Whatever we are going to put on that site we are going to have to give up something to get something there to enhance that corner. Something of this nature, this type of structure, given the type of retail stores that will be in there, I don't think it's going to be a big traffic pattern; it's not going to cause congestion there. I think they're looking to put in something that will be very suitable to the neighborhood. Given that, you have to give up something. You try to find a happy medium. Do we like it at 10 ft? Absolutely not. Is 13 ft. perfect? Getting 3ft., from 10 ft. to 13 is still a pretty significant increase. It is 30%.

Mrs. Mergens stated I'm all about fixing it. Believe me, I can't stand looking at it. I go upstairs in my bedroom and I have to look down at that. It's not a pleasant sight. My concern is my children, their safety and fire.

Commissioner Weel stated our concern also.

Mrs. Mergens stated do what you want. It's beautiful, I love it. Good luck to you. If I really have nothing I can do, then....

Commissioner Alpigianis stated we've heard you too. We appreciate it. Probably one of the finest examples that have come up to us within the last year is a similar situation at Harts and Milwaukee. Those are actually all my neighbors. They were pounding on my door a week beforehand.

Mrs. Mergens stated I'm fine with the idea. It's just the safety concerns. One more question. If this all passes, how soon were they thinking about moving on it?

Mr. Demeros stated we will be starting plans right away.

Chairman Callero asked are there any other questions from anyone else in the audience. There were none. If not I will entertain a motion.

Commissioner Weel moved that 08-ZP-06 – Mr. Pat Loukas, LDP Development LLC, 4061 N. Milwaukee Ave., Chicago, IL 60641 – Requesting a variance to Niles Zoning ordinance section VIII (B)(5)(b) to the rear yard setback from the required 20' to 13' (35%) to construct a new commercial/retail building at 8200 W. Oakton Street be **approved**.

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

AYES: 6 Dimond, Surace, Kanelos, Alpigianis, Weel, Troiani
NAYS: 0

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

Chairman Callero called for the second matter on the agenda.

08-ZP-07 – Blandyma Krupski, Owner, 7633 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use to Niles Zoning ordinance

section VIII (B)(3)(1) to offer massage therapy at 7633 Milwaukee Ave.

Blandyma Krupski, Owner, 7633 N. Milwaukee Ave., Niles, IL 60714 stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

Ms. Krupski stated yes.

Chairman Callero stated you've already been giving massages, is that right?

Ms. Krupski stated actually we used to be upstairs for 5 years and since we came downstairs (formerly Heidi's Bakery) we tried to expand our services. First of all we offered hair services, nails, skin care. I can tell, since we have a lot of older clients, they ask about massage therapy treatment. As everybody knows, massage therapy is like part of the skin care/body treatment. Sometimes we have older people not willing to go to the doctor first. They come to us to ask for some help with problems such as sciatic nerve. We have some massage therapists who used to work for chiropractors and they know what to do. They help those clients on a regular basis. The clients are happy so they come back. There is a lot of competition also in this market, even on our main street of Milwaukee Ave. There are a few businesses who offer similar services. Nowadays if you want to keep the clients coming back you have to expand and offer more services. Otherwise you lose business, clients will go somewhere else. They check the prices and you don't see those people anymore. We don't do anything that would affect us on the bad side. We try to be nice to our clients. As you know, Heidi's Bakery did not look so good on the outside. We actually manage the space nicely. The taxes are not really low so we tried to make this place look better on the inside. We have a young staff that works for us. Clients feel comfortable when they come to us. They say this is the nicest space in Niles so far. I am proud that we offer so many services. People who work for us are loyal. They are professional. They do good work. What we are trying to do is get more help to gain more clients. The advertisements are not cheap such as in the paper or with coupons. We are trying to see those clients on a regular basis.

Chairman Callero asked are there any questions or comments from anyone on the Board.

Commissioner Weel asked when did you actually open the spa.

Ms. Krupski stated we were upstairs for 5 years. We offered only nails, skin care and hair services. When we came downstairs 3 years ago, we had the same services and about 3 of 4 months ago, our clients started asking when we would add some extra services such as micro dermabrasion. Usually doctors charge more for micro dermabrasion. Plus massage therapy is something the clients asked for. We have a lot of older people who come and they feel comfortable.

Commissioner Weel asked for the 3 years you've been open (downstairs) have you been offering massage therapy?

Ms. Krupski stated not at the beginning. We didn't bother with those services. We knew places where we can refer our clients for those services like Morton Grove and other spas. Since the clients keep coming back and

are happy with our services, we found nice people who can do loyal, professional work and we started to expand our services.

Commissioner Weel stated again have you been offering massage therapy in the last year?

Ms. Krupski stated about 5 or 6 months on a regular basis. Before that, the clients would ask but we didn't do it that much. At that time we had skin care, body treatment. As you know, this is like a part of the massage therapy treatment.

Commissioner Weel stated you were not aware that massage therapy required a specific permit within the Village.

Ms. Krupski stated the problem was when they used to be upstairs we were trying to get massage therapy treatment. But we didn't have that much space. We just gave up. When we moved downstairs we thought since we got all those different permits and because we now had 5 or 6 rooms for skincare and body treatment we could also include massage therapy. We didn't really know we needed extra permits.

Commissioner Weel stated does your existing license allow for hair, skincare and massage therapy or do you have to have a special license with the state of Illinois for massage therapy.

Ms. Krupski stated a special license.

Commissioner Weel asked do you have that license.

Ms. Krupski said not me because I'm not the one who provides that service.

Chairman Callero stated not you. What about your employees or your business?

Ms. Krupski stated my business is licensed for massage therapy.

Chairman Callero asked are there any other questions from anyone on the Board. Any questions or comments from anyone in the audience? There were none. If not I will entertain a motion.

Commissioner Alpogianis moved that 08-ZP-07 – Blandyma Krupski, Owner, 7633 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use to Niles Zoning ordinance section VIII (B)(3)(1) to offer massage therapy at 7633 Milwaukee Ave. be **approved**.

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

AYES: 6 Alpogianis, Weel, Kanelos, Dimond, Surace, Troiani
NAYS: 0

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

Chairman Callero stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision and it will be necessary for the petitioner to contact Mr. Charles Ostman, Director of Community Development, and ask to be placed on the Board of Trustees agenda and you will be notified of the date. Anyone in the audience who would like to be informed as to the date of this hearing by the Board of

Trustees, leave your name and address with our secretary and she will notify you.

Chairman Callero stated at this particular time I will entertain a motion to adjourn.

Commissioner Weel moved to adjourn the meeting.

Commissioner Alpogianis seconded the motion to adjourn. On roll call the vote was:

AYES: 6 Dimond, Surace, Kanelos, Alpogianis, Weel, Troiani
NAYS: 0

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

The meeting adjourned at 7:57 p.m.

James Callero, Chairman

Angelo Troiani, Secretary