

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 Dimond, Surace, Troiani, Weel, Alpogianis and Kanelos.

Also present were Joseph Annunzio, Village Attorney; Charles Ostman, Director of Community Development; Rich Wlodarski, Assistant Director of Community Development and Moses Nazzal, Village of Niles Engineering Department.

Chairman Callero asked everyone to stand and recite the Pledge of Allegiance.

Commissioner Weel moved to approve the minutes of June 2, 2008 as presented.

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

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

There being six (6) 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-09 – Mr. Michael Kim, Mgr., 8901 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use – PUD for the development of Assi Plaza to include a hotel, parking structure, banquet facility, family resort complex including a spa and office building at 8801 through 8985 N. Milwaukee Ave. Continued from May 5, 2008 and June 2, 2008.

Chairman Callero called for the only item on the agenda.

08-ZP-09 – Mr. Michael Kim, Mgr., 8901 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use – PUD for the development of Assi Plaza to include a hotel, parking structure, banquet facility, family resort complex including a spa and office building at 8801 through 8985 N. Milwaukee Ave. Continued from May 5, 2008 and June 2, 2008.

Chairman Callero asked the petitioner or a representative to step forward.

Mr. Paul Kolpak, 6767 N. Milwaukee Ave., Niles, IL stepped forward. I represent the petitioner, Michael Kim.

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

Mr. Kolpak stated I would like to bring my whole team to be sworn in as they may testify tonight. At that time Jin Kyu Kim, Joon Kim, Jin-Su Bee of Saang, Inc., 200 N. Michigan Ave., Suite 60A, Chicago, IL 60601, Ted Park, CPA, 6708 N. Crawford Ave., Lincolnwood, IL 60712 and Norman Toberman stepped forward.

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

They stated we do.

Chairman Callero stated before Mr. Kolpak gives his presentation, I am calling on Charles Ostman, Director of Community Development, for a review of the various meetings, etc. on what has happened over the last three months as everything has changed.

Mr. Ostman stated first of all, I apologize for any inconvenience to the residents on the initial public hearing that was scheduled for 5/5/08. Since the initial meeting was scheduled, we've all spent a great deal of time listening to many, many comments from the residents and incorporated it into the presentation tonight. Bob Hamilton of Gewalt Hamilton, our traffic and parking consultants, is with us this evening along with the petitioner development team, which includes the architects and engineers. Let me give you a brief overview of the development and the specific highlights of the development. First of all, this specific piece of property, being 12.1 acres, prior to 1972 was a mobile home park. Over the years several businesses have come in and out of the site including Lucky Store, Eagle Foods, McDade's, Pharmor and finally Sports Authority, which after five years was closed due to a merger with Sportmart. The Village always retained a good relationship with the leaseholders and now with the property owner allowing local residents to park in the parking lot. As I am sure everyone knows, it was

due to the generosity of the existing leaseholders or the property owners who have given permission for the adjacent townhome homeowners to park in that parking lot without any problems. The developer and property owners certainly want to be good neighbors and help us work towards a solution to the parking problem in the area. The development overview includes the Assi grocery store (opened in May, 2008) occupying 113,000 sq. ft. with Binny's Liquors. Phase II includes a structure you currently see under construction on the east side of the building which consists of a two story structure for offices, warehouse and a café. The next phase for this plan is the development of a structure at the corner of Milwaukee and Ballard for a two story office building to include a bank with two drive through windows. This building was downsized after reviewing the further parking

requirements for the entire site. The final phase will include a two hundred room hotel, three hundred seat banquet facility, 13,000 sq. ft. spa, 12,800 sq. ft. retail building, and a seven tier, five hundred thirty-three parking space structure. The improvements to the site and surrounding area that will be incorporated will be that the parking along the east side of Washington Street between Dempster and Park will be reconfigured for additional parking at the developer's expense for the direct benefit of the townhome owners. This additional parking will be in addition to utilizing the parking lot of Assi Plaza for additional off street parking during certain hours. The other improvement will be the intersection of Ballard and Milwaukee which will be improved for more efficient traffic flow. To make these improvements at Ballard and Milwaukee requires the developer to donate land to the Village for additional right of way. Improvements to Milwaukee Avenue in regard to turning lanes for ingress and egress to the site will include extended turning lanes onto Milwaukee Avenue. A sidewalk will also be installed along the south side of Ballard and other improvements to the park which will be mentioned later in the petitioner's presentation this evening. The development as a whole will utilize shared parking among all the users and the parking demand analysis was conducted by Gewalt Hamilton & Associates, a consultant to the Village of Niles. At this time I would like to ask Bob Hamilton to come up and explain some of the highlights of the parking analysis report and other improvements that were just mentioned.

Robert B. Hamilton, Chairman of Gewalt Hamilton Associates, 850 Forest Edge Drive, Vernon Hills, IL 60061 stepped forward.

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

Mr. Hamilton stated we are a civil and traffic engineering firm. We are full service consultants to ten different municipalities and service seventeen for additional traffic and parking. We also serve the Village of Niles and here we do things a little bit differently in that here we are an advisor and consultant to the Village of Niles. At the Village's request, we also have prepared and worked with the developer in preparing the geometric aspects of the site plan. That really allowed us an awful lot of input and control into just how the site plan should be developed. Our function on this project is really to insure the codes of the Village are being complied with, and secondly, that the site plan is safe and efficient and that it serve essentially the people of Niles. Bill Grieve, our Senior Traffic Engineer, did the majority of the work on this and developed most of what is on the site. He is on vacation so I am here this evening. Chairman also means utility infielder in our company and I get to come to a lot of these and I worked with Bill on most of this, so if you ask me something too detailed I'll sit down, figure it out and then come back with a proper answer. The Village of Niles recognizes quite properly the shared use aspects of parking. Now that we've got it up (the rendering) I can explain how shared use operates. This is more for the benefit of the audience since I know you (the Board) deal with it regularly. Rather than having a dedicated parking facility for each individual use, which is only used for that individual use, shared use parking is a concept which has come into wider use in the last few years. It recognizes that one parking field can support multiple uses; its best if the multiple uses are on opposite or different sides of the parking field and they have different patterns, such that they can move back and forth across the site. The primary, main parking field out here benefits from having Assi Plaza on the one side, a retail use; Binny's on the opposite side, a different retail use; the hotel, banquet and spa facility with a totally different pattern runs much later in the evening and much differently. An office use up here, again a wholly different traffic pattern, much more of a business day pattern and back tucked here in the corner, a bank – an office use again – a

much more business day pattern. The ultimate result of proper application of shared use parking is you end up with convenient parking with less asphalt. Those are both good things. The other two factors we have in here are the off site with the Niles Park District sitting immediately to the east and Washington residents who are to the east of Washington. As the developers' attorney noted on the way in, the residents on the opposite side of the street have been parking there for years. Illegally, essentially without permission, but its just the way it was and everybody went along with it. They really have no right to that parking but the developer is willing to permit that parking on this site. So there are two areas where they will be able to improve or have parking areas increased. The first one is on site and is essentially the area to the east of Assi Plaza. There's about seventy plus spaces over there. Those are anticipated to be made available to the residents from 10 p.m. until 8 a.m., basically at night, when the uses in this end have shut down as well as the park district. That will be by permit. It will be up to them to figure out who gets the permits. And it will be restricted to this double loaded bay which is east of Assi Plaza. The other off site use, and this is a cooperative use, is the developer met with Niles Park District who has the park immediately to the east. I see Joe LoVerde in the audience on behalf of the Park District. Joe agreed they could develop parking which, a portion of those spaces is in the far western edge of the Niles Park District property and the other side of that agreement is that when these fields are in use, that the Niles Park District users would park in those same spaces. The park closes at 10 p.m. very conveniently, so by the time the residents over here want to use it, the park is empty and they are on the way out. We're pushing the short use concept very nicely. The other improvement, which the developer of Assi Plaza is willing to undertake at his expense, is the improvement of the Washington Street parking. Today Washington is a fairly wide street. I suspect the width of the street may even predate before there was a viaduct down here (Washington and Dempster) and it actually carried a whole lot more through traffic. I don't know why it is quite that wide but it is terribly wide. So by widening it a little further on the east side, they can increase the parking, still maintain two generous lanes going through as well as a protective lane behind this parallel parking on the east side of Washington Street. The end result of that is the residents immediately in front of where they live will have an additional forty parking spaces, again provided by the developer. So the residents across the way have forty, plus seventy, round numbers. This means they got about one hundred ten additional spaces. Backing up to on site, if we look at all these different uses that are on site and we anticipate a combination of their patterns – when do they need parking, it comes and goes, comes and goes at different times of the day and different days of the week because we have such diverse uses here. They have adequate parking on this site to support all of the uses which are proposed and which were shown here with the very slight excess without variation from Village code and that is very important. So they have complied with Village code in terms of parking to the letter. Now the other thing we looked at for the Village was the access to the surrounding area. Access along Milwaukee – there are multiple driveways along Milwaukee today – that will be reduced to three driveways. The one at the far south end will be a right in, right out only and then a turn bay to provide for a left in. The main driveway which runs across the face of the Assi Plaza that is there today, will be full directional – right in, right out, left in, and left out. The northern access is really access to the bank which is going to be convenient using the bank. The big function we were concerned about was delivery access. So delivery access to the back of Assi Plaza will essentially come in, trucks can turn in and back into the docks here or if they are coming from the north they could go this way (overhead pointer) and back in that direction. There would be two directions of access. But of importance on Milwaukee Avenue, because of the long left turn bay approaching Ballard,

there's no left turn access either inbound or outbound at that northern access. What we don't want is left turns across the left turn bay going the opposite direction. What they do add up here (which anybody can use) is a full directional access onto Ballard. That is of importance because they are going to need to be able to turn south on Milwaukee. For a fair percentage of the population using this site, inbound is easy, be hard getting outbound to the south. One of the primary methods of doing that will be on Ballard. Ballard at the moment doesn't work very well because of its configuration. It has a very limited configuration along the length of Ballard. If you can picture the west side or east bound traffic, today they have a through left and a single lane and a dedicated right. Tomorrow they'll have dedicated left, dedicated through and dedicated right. Major difference. On the east side (west bound traffic) today they have one lane that goes left, through, right. First guy that has to make a left turn and stops, stops everything. First guy that makes a right turn slows it all down. It really is incredibly inefficient and it's limited because there is a little strip center on the north side and you just can't take away his parking or you'll close him down. So what the developer, Mr. Kim, has agreed to do is to dedicate right of way along the length of this property on the north – a strip which is twenty feet long along the length of it plus a corner cut so the trucks can all make the turn. In doing so it will provide for the traffic to be a through right in one lane and a dedicated left in the other lane. Just separately those two out will give you a tremendous increase in capacity and efficiency in that intersection. He's also agreed to do the improvements to the surrounding roadway. That is roadway improvements along Milwaukee and pretty strong improvements along Ballard. There's not much that will remain on Ballard when he's done with it. Also some on south bound, plus to replace the signal system. He'll also be providing turn bays which are along Milwaukee Avenue. That's more manner of remarking and restriping more than anything else but it will organize the frontage. In summary the important areas changed are first to decrease the Milwaukee Avenue friction. That's really an important thing because there is a lot of friction with all little driveways. This will tremendously organize things. Secondly, is to widen Ballard and improve the Ballard and Milwaukee intersection. Thirdly, and I neglected to mention this, is they will be providing a sidewalk along the length of Ballard all the way back to Washington. Next is to provide in cooperation with the Park District parking that is available to both the Park District and on site, a cooperative arrangement, and then provide that parking as well as the Washington parking which is available to the residents to the east on Washington.

The other points down in here, Paul had mentioned briefly there was a parking garage. That is this square along Washington. Normal access will be to and from the on site side only. This is not anticipated to be used on the back side except in emergency conditions. And I would anticipate with prenotification from the Village in any non-emergency situation. The hotel is anticipated along Washington and a pick and drop off area through here and a small parking area. One thing which needs to be addressed and really can't be addressed until the hotel operator is known, is exactly how deliveries will operate for this entire area. That is something they will have to work out with Village staff once that operator is known for the hotel and banquet facilities. I think in short order I've covered everything and I'd be happy to answer any questions.

Chairman Callero stated we've had this material for three months plus, we read it, we got a stack this high and our department is working with the people so I don't have any questions.

Commissioner Dimond stated regarding parking, I imagine the parking garage is designed for the hotel guests and the banquet guests. Is there anything to prevent residents from parking in that garage?

Mr. Hamilton stated Red's Towing.

Commissioner Dimond stated so it is going to be permitted.

Mr. Hamilton stated this is going to be free access. But if the operator here notes someone who parks here on a regular basis and walks across the street, I can anticipate Red's Towing will get a call pretty quickly. The agreement, and this is an incredibly generous agreement, is to provide seventy permits and another forty spaces. That's hard to beat.

Commissioner Dimond stated on the east and west side of Washington, is there going to be any way to limit that parking to residents in the area? That is not to allow hotel guests to park on Washington Street, either through the use of permits, decals, zoned parking, something of that nature.

Mr. Hamilton stated that would be something that the Village would have to impose as opposed to the developer. Truthfully, the developer had nothing to say about it. We've worked for a number of communities that have done local resident permit parking only. I'd only do it in a pretty extreme situation. For instance, Park Ridge does it near the CTA Cumberland station simply to keep every CTA customer from parking on Park Ridge streets. In an extreme situation like that, are we going to get people that will want to park right here and walk there? I'm sure we will. If it gets to be a problem then you may have to go to some form of permit there. This is covered, secure and it's got everything going for it unless you're allergic to parking structures. If you're allergic to parking structures you shouldn't be in this area.

Chairman Callero stated Mr. Kolpak, you wanted to add something.

Mr. Kolpak stated we are looking into valet parking. It will be no charge. It would be an extreme situation they would park off the site.

Chairman Callero stated Mr. Ostman, do you have anything else you wanted to say to us.

Mr. Ostman stated the utilities for the development have also been reviewed by Earth Tech, a consulting firm for the Village of Niles specializing in water infrastructure. The water distribution system was evaluated as to the impact of the development and found that the proposed development would not have a negative impact on the system pressures or available fire access for the surrounding areas. There are two recommendations I would like to make to this Board. One being I am recommending to the Board to accept the parking analysis as provided by Gewalt Hamilton & Associates for the development to provide one thousand forty-nine spaces. I am also recommending allowing up to a 2% variation (only twenty-one spaces) to the peak shared demand due to possible minor changes in the overall site. Just in case something comes up where we've got to tweak a few things either for landscaping or whatever else it would be. So I am asking for 2% variation (twenty-one spaces) to that parking study. The other condition I would place on there is the landscaping plan would also be subject to the approval of the Community Development Department which will utilize an outside landscaping consultant for such plans.

Chairman Callero stated if it gets to a motion at that time, whoever is going to make it, we will look for some direction from you for those add-ons if they agree.

Mr. Ostman stated that is all I would have.

Chairman Callero stated thank you and before we get into the petitioner's presentation I had written down a few notes, some of which will be redundant now, but I thought this Board should make a statement that credit should be given to the petitioner, his attorney, the Village of Niles employees, and the citizens of Niles living in the vicinity of this project for their efforts and compromises. This development is certainly for the betterment of the 30,000 plus residents in Niles for a number of reasons, some of which have already been stated and I'll probably repeat a few of them. Based on my notes, they are spending greater than \$80,000,000 that will certainly beautify this area of Milwaukee Avenue which this Village has been trying to do for a number of years. They'll be improving the surrounding streets, adding forty parking spaces on Washington Street alone. They'll allow use of seventy-two parking spaces on site from 10 p.m. until 8 a.m., none of which they are required to do. They will be putting in twenty-five parking spaces to provide sports and security lighting for the Niles Park District at a cost of \$150,000. Again, that is at their own generosity. They should provide a minimum of \$170,000 in annual sales tax revenue to the Village of Niles. They are going to obviously have a number of jobs they are going to provide. Again I'd be remiss if I didn't say for the vast majority of Niles residents this is one of the best situations I've seen in my fifteen, eighteen, twenty years, however long I've been on this Board. Mr. Kolpak, do you have anything to present to us we don't know and haven't seen.

Mr. Kolpak stated we have the architect team here. We can go over the elevations. Mr. Callero, you'd stated a lot of the benefits I was going to summarize at the end. We have our accountant, who has done the preliminary figures for the benefit of Niles. We had given those back in May to this Board. They haven't changed significantly. I would think of everything you mentioned, I can add maybe ten more things. If you'd like to see the elevations, we can present them at the Board's pleasure.

Chairman Callero stated we have them all.

Mr. Kolpak stated if the residents would like to see them; whatever you'd like.

Chairman Callero stated you've had how many meetings with the residents.

Mr. Kolpak stated two at the White Eagle. I would think we've got them here if the people would like to see them.

Chairman Callero stated we will wait and see what kind of questions come up. As far as I'm concerned we've got everything, we've had everything. We're just going over the same things.

Mr. Kolpak stated in retrospect I would just like to say I've done a lot of zoning in Niles and want to say I was very impressed; this was a team effort. The Village staff, Gewalt Hamilton, Mr. LoVerde from the Park District. There was a collaboration to get here. Normally when you do a committee trying to get a thoroughbred, you get a camel. I think we've got a thoroughbred. Again, I'd like to thank everybody.

Chairman Callero asked are there any other question of comments from anyone on the Board?

Commissioner Alpigianis stated I also want to commend this team here. The collaboration of everybody, both of the Village and of Assi Plaza for the extensive landscaping they've done here in the plaza. Being a business owner, having a business down the street and living not too far from here, the area was very concrete and asphalt. Beside the Park District property behind it, the small strip of grass running on the east side of the property, the extent of the landscaping needs to be commended also. Thank you.

Chairman Callero stated at this time I'll entertain any questions from anyone in the audience.

N.D. Surti, 8933-D Washington, Niles stepped forward. I am a professional civil engineer and a Fellow of the American Society of Civil Engineers. I have certain questions about this development.

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

Mr. Surti stated yes. The parking development plan which the developer has proposed, angle parking, is not good for the traffic because Washington Street is a through street, not a dead end street. This kind of parking is good for parking lots or parking garage. The guy coming from Dempster Street will be having speed and the guy backing up from the parking spot will not be seeing the traffic. There will be chances of accidents. Second thing is all the trees and the landscaped area on the townhome side of Washington Street will be gone because of this parking. Another thing is the parking study here was done on the 22nd of January which is not a peak period. The traffic study should be done at the peak period. The Washington Street traffic will be doubled. This will create a problem for the residents of Washington Street. Another thing is the seven story hotel and the seven story parking garage will create some aesthetic problems as well as social environment and the privacy problem for the residents and Washington Street owners. That should be addressed. Another thing is right now the existing parking lot is serving as a retention pond because of the restriction at the catch basins. That should be also addressed regarding the storm water.

Chairman Callero asked if there was anything else.

Mr. Surti stated that is it.

Chairman Callero stated thank you for your comments. Any other questions?

Sherwin Weinberg, 8839-A Washington St., Niles stepped forward.

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

Mr. Weinberg stated I do. I have lived here for thirty-eight years. This project is an asset to the community and to the property and the surrounding areas. I think the Assi Village has gone way beyond the call of duty in providing us parking. That was my main concern to provide enough parking for our residents. What hasn't been taken into consideration is we have one hundred eight units of parking in the rear of the alley in addition to the forty additional units that will be provided in the front of the townhouses. In addition to the roughly forty units on site in Assi Village and that will be more than enough parking. That's all.

Chairman Callero stated thank you for your comments, Sherwin. Any other questions or comments from anyone in the audience?

James Capek, 9805 Warren Lane, Niles stepped forward. I have lived there since 1970.

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

Mr. Capek stated I do. The people behind me probably know a little bit more about this than I did. I just found out about it today. Somebody called me and I said you're kidding. I don't know if it's good or bad so I won't even argue that point. The fact is I've called several people in the neighborhood and they didn't seem to know about. Keep in mind I'm in the most northern part of Niles. This (development) is quite a ways south. The question I have is again, it looks like this is cut and dry already to be quite honest. The rest of us are here just for show. But that's my own opinion.

Chairman Callero stated when you say cut and dry, what you don't realize is we've been hammering this out for months.

Mr. Capek stated I see that from the amount of money that's been spent on this thing. I wouldn't even argue that. And I'm aware whatever I say isn't going to mean anything but I'm going to say it anyway. If this is so good, and it probably is, it might be wonderful, I'm not smart enough to know if it's good or bad. It looks like it's good. What would be wrong with contacting all the Village people in Niles and then having a referendum and letting them vote on it. That's my main question. Because the people I've talked to don't know about this. Do Niles people have any input? Or do you folks have total control and the rest of us just sit back. This might be the best thing that happens to Niles, I don't know. But that's my question. Is that a possibility where the Niles people would actually have a referendum in November where they would get to vote on something that is this good?

Chairman Callero stated that isn't the process that takes place. Every person within two hundred fifty feet gets notified. That's the way it is on any piece of property. They get notified so they are aware of it. It gets published in newspapers so people who read the local newspapers know this has been all over them for months.

Mr. Capek stated I won't argue that at all. The fact is anybody else more than two hundred fifty feet away does not have any input, correct?

Chairman Callero stated you are welcome to come to the meetings just like you're doing.

Mr. Capek stated I know that but it doesn't make any difference if you are more than two hundred fifty feet away, you don't have anything to do with this. It's only a matter of policy. I'm not saying this is bad. It might be the greatest thing that happens in Niles. When I found out about this today, again I've been uninformed apparently. I don't get the Niles Spectator and I apologize for that.

Chairman Callero stated it is just done according to the law and that's what the law is. Otherwise I would assume, and I'm just guestimating because I've only been in this position for fifteen or eighteen or twenty years; but whatever it is, you'd never get anywhere if you had to go to a referendum.

That's why the Village has employees and they have their jobs – to represent the people.

Mr. Capek stated that was my question. Thank you.

Chairman Callero stated thank you. Any other questions or comments?

Nancy Comita, 8012 Churchhill, Niles 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. Comita stated I do. I have been a resident of Niles for 36 years. I am a half a block from this site. You say this is a real good thing for the Village. I think what you are stressing is the \$175,000 tax money that's going to come into the Village. That is a good thing. But if you live right on top of it, it's a very bad thing. I think it's over improvement of that small area. We have 12.1 acres. You've got 200 hotel rooms going in. You've got two different buildings which are going to be office complexes plus a café. Then on the one corner of Ballard & Milwaukee you're going to put in a drive thru bank. Do you know the congestion Mid America has caused on the other side of the road at Milwaukee and Ballard? It's going to be even worse. I think we are going to have a very hard time getting out onto Washington and Ballard Avenue even if you put a left turn lane in there going westbound on Ballard towards Milwaukee. Another question I have is – what is the height that you can go, Village code, for a seven tier parking garage? And a seven story hotel? That's going to be a concrete thing for these people. I don't live in the townhomes but I'm so glad I don't. What are they going to look at? I can't see how this is going to pass when it is such a small parcel of land to do all this. He is using every inch of the property for business. Yes, to bring tax dollars into Niles, that's true. But at the expense of us, of our kids that walk on Park Ave. to school or to the park. They come and play their baseball games in the summer. It's going to be a nightmare. If any one of you lived in our homes that close to it, you would not be for this. That's a given. Anyhow my question is, is there a limit on the stories of these buildings? Can you go to ten stories high? Don't they have a code here like in Chicago?

Chairman Callero stated yes we have a code.

Mr. Ostman stated this is presented as a planned unit development like any other condominium development in the Village of Niles. We have some condominium buildings that go seven stories and exceed seven stories. When the petition is presented as a planned unit development, called a PUD, it's up to the Plan Commission and the elected officials whether or not that seven story or six stories or whatever it may be is acceptable.

Mrs. Comita stated all right, this is all passed actually. You're just letting us know. You've all decided. You worked on it three months and you feel that it is a good thing for the Village, right?

Chairman Callero stated I can't speak for the Board. We're going to vote tonight.

Mrs. Comita asked if this is approved already.

Chairman Callero stated no it is not approved. That's what we are here for. And after we're done, we're just a recommending Board. It's going to go to the Board of Trustees.

Mrs. Comita asked the audience does anyone else agree with me? They stated yes.

Chairman Callero stated the residents do have say so.

Mrs. Comita stated thank you for your time.

Chairman Callero stated thank you for your questions. Any other questions or comments different from what we've already had?

Leonard Galati stepped forward. He did not give his exact address.

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

Mr. Galati stated yes. One question I have. We are on Wisner Street in the six units. Every time it rains hard we flood like a couple feet. The story we got was they shut down our drain system so the underpass on Dempster could just flow freely. We get a lot of water on Wisner Street. I had to pay money out of my own pocket a couple times to help my tenants out because their cars got ruined by water. Now by this big development, what is going to happen to Wisner Street? Is it going to get worse or is the problem going to get resolved?

Mr. Moses Nazzal from the Engineering Dept. stated this development is going to have underground storage. It has to meet all WRD requirements that are based on that. Without providing the storage, they won't get the permit. The engineer and consultant have to design all underground storage. They will contain their own water. They are not going to dump water to anybody.

Mr. Galati stated did you hear my question. Are we still going to flood?

Mr. Nazzal stated the development doesn't have anything to do with Wisner Street. All the water is going to stay within the property.

Chairman Callero stated what Mr. Nazzal is obviously telling you is that this project will have no effect on whatever is going on now. So if you are still flooding on Wisner I assume you'll continue to flood. I don't know.

Mr. Galati stated I kind of expected that kind of an answer anyway. The other things I would like to address is I agree with both previous speakers before me. I wanted to develop and build a house in Niles and to build a house in Niles it took me fifteen years. After I worked out all the bugs and was done with it, I got denied at the Trustees Board Meeting for aesthetics. Mr. Annunzio, after we went to court, what was the outcome of that? What did the judge tell us?

Mr. Annunzio stated the court allowed you to build your building.

Mr. Galati stated the court said Mr. Galati has every right to build, right? But yet I had to meet every requirement, every this, and every that. I put a storm sewer that's a 500 year rain storm. Actually Mr. Toberman is here tonight. He was my engineer on the property. Like I said at the White Eagle in April, and lot of people agreed with me and I'm going to repeat it again, Mr. Kolpak was also there. This project is nice for the community, everything is nice. That corner needs development; it's just too large. It's a monstrosity that's too big. We all see it; you guys don't see it. Thank you.

Chairman Callero stated any thing else from anyone that is different.

Inou Modi, 8853-B Washington Street, Niles stepped forward.

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

Mr. Modi stated I have lived there thirty-five years. Yes, I assure you what I am going to tell you is different from what was already discussed. I'm talking about the traffic pattern in and out of Washington Street, either going north or south and merging with Dempster. Coming from north side of Washington Street going south towards Dempster, only right turn is allowed to merge with Milwaukee. If anybody wants to go north or south from that point, there's a lot of problems right now because of the timing of the signals and traffic coming from east of Dempster, coming from Washington, coming from parking lot – well there is a grave situation. If we have this much property over there, can you imagine how much traffic will be there in the corner of Dempster Street and Washington Street. Nobody will be able to go and cross Milwaukee for 10 or 15 min. One thing if you are with family and crossing today, the traffic coming from east of Dempster and merging with Milwaukee, they wait for 5 or 7 or 10 minutes. People from Washington Street merging with Dempster, they cannot go under Dempster Street right now. We are waiting, waiting and all the traffic is coming from their side. There is no space; they don't give any room there for any car from Washington Street to go under Dempster. We tried many times, we fight there many times. People coming there just want to go and crash. Either north of Milwaukee or south of Milwaukee or just straight on Dempster going west. This is the situation today. We from Washington Street, whether we are living on Washington Street south, or coming from north or any other streets, we are not able to cross. Washington Street cannot merge with Dempster Street right now. What is your solution today sir?

Mr. Hamilton stated we are actually counting on traffic to be able to get from Washington onto the Dempster frontage road. I agree, it is congested, it is slow. We don't anticipate it is going to be a big mover. Actually the primary method of getting on to Milwaukee southbound is going to be via the full directional entrance and, more efficiently, Ballard. That's one of the reasons the developer is willing to put the money into improving Ballard so it improves the left turn access. I don't disagree.

Mr. Modi stated this is not a question of the Washington Street residents. I am talking about general problem for all people who are traveling or trying to pass through Washington Street. This will present a problem. Especially in winter, a lot more problems.

Chairman Callero stated okay, thank you for your comments. Any other questions? Different questions from what we are hearing. It's obvious that everybody here except for a few are against this.

Les Feller, 8018 Washington Street, Niles stepped forward.

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

Mr. Feller stated they have been residents in Niles for forty-five years. I've seen just about everything happen, from the trailers to all the stores come into that corner. I think this is a very good thing. Have we thought out the safety factor of Washington Street itself? We've got a peculiar thing at the intersection of Washington and Ballard. There's a stop sign there. Do

people honor the stop sign or do they go through it? I would suggest the majority roll through it. There's a stop sign previous to that. I would say that particular corner is dangerous. I'd like to suggest that they put up a light system to cover that because stop signs are not going to do it. With an increase in traffic it is dangerous. The other thing is you've got a park there. What's the access for the children to get into the park? Through the parking lot? I hope not. If it's through the parking lot that's something I feel we should rethink.

Chairman Callero called on Joseph LoVerde, the Director of the Niles Park District.

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

Mr. LoVerde stated I do. He stated when we met with the developer on this point, the sidewalk on Ballard would be used to bring the children down the walk into the park. There is no walk there now.

Chairman Callero stated its better this way than the way it exists now.

Mr. LoVerde stated there was never a sidewalk there.

Chairman Callero stated there was never a sidewalk there when my kids, forty years ago, played there.

Mr. LoVerde stated in answer to the gentleman's question (inaudible – Mr. LoVerde was not at a microphone.)

Mr. Feller stated for the children to get across the street from the townhouses, how would they do that?

Chairman Callero stated the same way they do now – at the stop sign. I would assume they cross at the corner.

Mr. Feller stated I would like to suggest a stoplight that addresses this factor. I think it would be safer.

Chairman Callero stated thank you for your comments. Anyone else?

Bob Zimmer, 9839 Lauren Lane, Niles stepped forward.

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

Mr. Zimmer stated I do. I have been a resident here for forty-five years. One thing that's a good thing about the Village is every block is multi-ethnic. I've got just about every ethnic group or possibility right on my block. But suddenly you turn around and there's going to be two thousand Koreans marching around that shopping center. I don't know where the heck they all came from but...let me finish, I earned this piece. I spent two years in the service serving my time fighting Koreans and helping them out. Fifty thousand Americans lost their blood permanently on Korean soil. Over two hundred thousand were wounded.

Chairman Callero stated sorry sir, that's enough.

Mr. Zimmer stated I earned this piece. I put my time in.

Chairman Callero again stated sorry, that is enough.

An audience member shouted you are out of line.

Mr. Zimmer stated am I. I put my time in. I'm the only one here that served in the Korean War.

Commissioner Troiani stated I take offense to your comments.

Commissioner Alpigianis stated excuse me, my father served in the 2nd Infantry in Korea also.

Chairman Callero stated enough is enough, please sit down.

Mr. Zimmer stated this is a rip off.

Chairman Callero asked are there any other questions returning to the project?

Manuel Lucero, 8859-C Washington, Niles stepped forward.

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

Mr. Lucero stated yes. I have lived across from the Assi development center for almost ten years. I am a witness to that area. Maybe you are concerned about money and the dollar thing but you have also to consider the things that are not monetary. I know things still remain to be seen, like the traffic there is a nightmare. Another thing I have to ask how about the employment issue. How are you sure the residents of Niles are given priority for employment in that area?

Chairman Callero stated sir, we did not say that the residents of Niles are given priority. We said it is going to bring a number of jobs into the town. We don't know – if the residents of Niles apply for the jobs and they get the jobs, then they get the jobs. We did not say the residents of Niles are going to get the jobs.

Mr. Lucero stated going back to the traffic thing.

Chairman Callero stated the traffic thing has already been discussed. That's why I'm asking for something different.

Mr. Lucero stated okay, I'm just airing my side because it's hard just to keep it to ourselves.

Chairman Callero stated thank you.

Nancy Comita stepped to the podium for the second time this evening. She stated if this gets passed, and all of us are going to be inconvenienced with the traffic which will be a nightmare, is that going to help us with our property taxes – for all the inconvenience we are going to go through? Are our property taxes going to go lower, do you think? Think about that.

Commissioner Weel stated I would like to respond to that. The more business taxes you generate in a community help the residential side of the tax base. If you go to communities that have less retail, their taxes are higher. The more retail base you have in a community helps the

residential tax base and that's a fact. So I don't think it is going to impact real estate taxes at all. Actually, it may help. It's not the only component involved in real estate taxes. There are components that make up the real estate tax bill. It should not impact the residential part at all. It should not. But the taxing bodies determine what amount of the tax goes to the residential community. As far as this development is concerned, when there's more retail the less effect it has on residential tax base.

Chairman Callero stated thank you all. Testimony is closed on this case. I will entertain a motion.

Commissioner Alpogianis moved that 08-ZP-09 – Mr. Michael Kim, Mgr., 8901 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use – PUD for the development of Assi Plaza to include a hotel, parking structure, banquet facility, family resort complex including a spa and office building at 8801 through 8985 N. Milwaukee Ave. continued from May 5, 2008 and June 2, 2008, including the suggestion by the Community Development Director Charles Ostman, decreasing the parking at a 2% variation, not to exceed twenty-one spaces, for the shared parking and landscaping plan subject to approval by the Community Development Department be **approved**.

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

AYES: 6 Dimond, Surace, Troiani, Weel, Alpogianis, Kanelos
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 those that came in front of the microphone please stop and talk to the secretary to give the spelling of your name and your address. Thank you.

Chairman Callero stated there being no new business tonight I will entertain a motion to adjourn.

Commissioner Kanelos moved to adjourn the meeting.

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

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

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

The meeting adjourned at 8:33 p.m.

James Callero, Chairman

Angelo Troiani, Secretary