

NILES PLAN COMMISSION AND
ZONING BOARD OF APPEALS

October 6, 2008

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 Surace, Troiani, Weel, Alpogianis and Kanelos.

Also present were Charles Ostman, Director of Community Development and Richard Wlodarski, Assistance Director of Community Development.

Commissioner Karen Dimond and Village Attorney Joseph Annunzio were absent.

Chairman Callero asked everyone to stand for the Pledge of Allegiance.

Chairman Callero asked if there are any additions or corrections to the September 8, 2008 meeting minutes.

Commissioner Weel stated there is one typographical error on page 3, 3rd paragraph from the bottom, where it states Commissioner Alpogianis stated I drive past this at lease – it should be least – at least.

Commissioner Alpogianis moved to approve the minutes of September 8, 2008 as corrected.

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

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

There being four (4) 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.

New Business

08-ZP-14 – Mrs. Orna Charak, Owner, 7157 W. Greenleaf St., Niles, IL 60714 – Requesting a variation to Section IV (H)(2) to increase the size of a shed from the maximum permitted 65 square feet to 150 square feet and to increase the maximum permitted height from 7’ to 9’6” at 7157 W. Greenleaf St.

08-ZP-15 – Angela Brooks, Cricket Communications, 8619 W. Bryn Mawr Ave., Suite #615, Chicago, IL 60631 – Requesting a Special Use to Section IX (B)(2)(d) to co-locate three antennas on an existing lattice tower at 7720 N. Lehigh Ave., Niles, IL.

08-ZP-16 – Ray Shinka, T-Mobile Agent, 2210 Midwest Road, Suite #213, Oakbrook, IL 60523 – Requesting a Special Use to Section IXA (B)(5)(a) to co-locate three wireless antennas on an existing monopole tower at 6849 W. Touhy Ave., Niles, IL.

08-ZP-17 – Robert Jacknewitz, 2324 Hampton Ave., St. Louis, MO 63139-2909 – Requesting a Special Use to Section VIII (C)(2)(a) to operate a Cash Store at 8504 W. Golf Road, Niles, IL.

Chairman Callero called for the first matter on the agenda.

08-ZP-14 – Mrs. Orna Charak, Owner, 7157 W. Greenleaf St., Niles, IL 60714 – Requesting a variation to Section IV (H)(2) to increase the size of a shed from the maximum permitted 65 square feet to 150 square feet and to increase the maximum permitted height from 7’ to 9’6” at 7157 W. Greenleaf St.

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

Mrs. Orna Charak, 7157 W. Greenleaf St., 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. Charak stated I do. We just want to build a shed. We have very limited storage place in our house. It's a nice duplex but the cathedral ceiling takes most of the storage and with small closets in the bedrooms, small sub-basement and no storage so we just thought we'll put some nice shed outside so we'll have storage. This is the only thing. I have a shed that is 12 feet, I think, by 7 – I don't remember how big. My nephew knows better what I have. And just want to make it a little bigger. The old shed is completely rot already. It's all wood and it's rot.

My backyard is really big. We build on two lots. It's one lot now and it's bigger than lots of people in our neighborhood and I think we have enough space to put the shed.

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

Mrs. Charak stated one more thing. I just wanted to comment we really will not distract nobody's view with shed and garage and garage on all sides of our yard. So where the shed will be will just face the back of one garage, garage on this side and shed on this side for the other neighbors. (Overhead view of property showing.)

Commissioner Weel stated your current shed, based upon the information we received, is about 102 square feet, about 12 feet by 8.6 or something like that. Does the size of that shed accommodate your needs?

Mrs. Charak stated we could have little bigger if it's possible. I have three kids in and out of college right now and they bring lots of storage home. Right now we have boxes in living room, in the basement and everywhere else. If we cannot have bigger.....

Commissioner Weel stated because the size of the shed you are requesting is excessively large given the footprint of the current shed you have right now. The other question I have is would you be replacing the new shed at a different location in the yard or would you be putting it in its existing location.

Chairman Callero stated in the diagram we were given it shows it on the other side.

Commissioner Weel stated I was confused by her comments when she opened up. I wasn't quite sure what she was saying with the garage and the shed.

Mrs. Charak stated other neighbors, you know.

Chairman Callero stated she is saying the neighbors on both sides each have a garage, I believe.

Commissioner Alpigianis stated garage on one side and a shed on another.

Commissioner Weel stated so you are looking to put the new shed in a different spot than the old one.

Mrs. Charak stated yes, we're moving to the other side of the yard.

Commissioner Weel stated would it be acceptable if this board were to grant your request to try and accommodate what you are looking for by reducing the size of the square footage of the shed. I think I would be a little bit more in favor of something in similar size, 100 square feet, maybe giving you a little bit more roof height to maybe 8 feet. Without knowing exactly what the purpose of the shed is, I have a tough time granting something that large.

Mrs. Charak stated the roof, the height, is not so much important for me because I really cannot climb so much anymore. But this way I need more space I can reach without climbing on ladders.

Chairman Callero stated so what Mr. Weel is asking you is, is it acceptable to you if he were to change your motion from "65 square feet to 150 square feet" to "somewhere around 102 square feet;" otherwise he is saying to you he has a problem with this petition the way it reads.

Mrs. Charak stated well, if I don't have another choice then I'll take this one. I would prefer the 150, it really would help me a lot because we don't have storage. We really don't have any storage. But I'll take whatever you will give me.

Commissioner Weel stated I just have one other question. Chuck, maybe you can help me out here. The plat of survey we have here shows the lot 35 by 121 and it's dated July of 1986. I think in her testimony she said she has a double lot now. So what is the exact dimension of her lot.

Charles Ostman, Director of Community Development, stated as you see it on the parcel it's 35 by 121. It's actually two parcels; she gets two tax bills. One for the primary residence there and if you look at the back part it says Lot 16, Parcel 1. That is a separate taxing parcel.

Commissioner Weel stated okay, thank you.

Chairman Callero asked are there questions or comments from anyone on the Board? If not, I'll entertain a motion.

Commissioner Weel moved that 08-ZP-14 – Mrs. Orna Charak, Owner, 7157 W. Greenleaf St., Niles, IL 60714 – Requesting a variation to Section IV (H)(2) to increase the size of a shed from the maximum permitted 65 square feet to 150 square feet and to increase the maximum permitted height from 7' to 9'6" at 7157 W. Greenleaf St. be **denied**. I would recommend, and if this is acceptable to the petitioner, to allow the size of the shed be increased from the maximum permitted 65 square feet to 102 square feet and the roof height not to exceed 8 feet.

Commissioner Troiani stated I'll second the motion with the corrected measurements, with the changed measurements.

Chairman Callero stated let the records read 08-ZP-14 has been **changed** to say – Requesting a variation to Section IV (H)(2) to increase the size of a shed from the maximum permitted 65 square feet to 102 square feet and to increase the maximum permitted height not to exceed 8', so it could be anything from 8' down if you want, at 7157 W. Greenleaf St. The **revised** motion was made by Mr. Weel and seconded by Mr. Troiani.

On roll call the vote was:

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

There being five (5) 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 this will be heard by the Board of

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

Chairman Callero called for the next matter on the agenda tonight.

08-ZP-15 – Angela Brooks, Cricket Communications, 8619 W. Bryn Mawr Ave., Suite #615, Chicago, IL 60631 – Requesting a Special Use to Section IX (B)(2)(d) to co-locate three antennas on an existing lattice tower at 7720 N. Lehigh Ave., Niles, IL.

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

Angela Brooks, Cricket Communications, 8619 W. Bryn Mawr Ave., Suite #615, Chicago, IL 60631 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. Brooks stated I do. Good evening. I'm Angela Brooks again. Cricket Communications is proposing to co-locate our equipment at the 90 foot level on an existing 160 foot lattice tower with placement of our ground equipment within the existing compound. We are not proposing to expand the compound or anything of that nature.

Chairman Callero stated we received your packet. Everybody's gone through it. Any questions or comments from anyone in the audience?

There were none. Any questions or comments from anyone on the Board?

Commissioner Troiani stated we have a service, Municipal Service Associates, hired by the Village of Niles. They say this application is okay and deemed (inaudible.)

Ms. Brooks stated can I actually add to your record a copy of our radio frequency propagation map? I'm not sure if I submitted it with the initial application so I just wanted to make sure I brought these tonight to make it part of the record.

Commissioner Troiani moved that 08-ZP-15 – Angela Brooks, Cricket Communications, 8619 W. Bryn Mawr Ave., Suite #615, Chicago, IL 60631 – Requesting a Special Use to Section IX (B)(2)(d) to co-locate three antennas on an existing lattice tower at 7720 N. Lehigh Ave., Niles, IL. be **approved.**

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

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

There being five (5) 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 this will be heard by the Board of Trustees, leave your name and address with our secretary and she will notify you. Thank you very much.

Chairman Callero called for the next matter on the agenda tonight.

08-ZP-16 – Ray Shinka, T-Mobile Agent, 2210 Midwest Road, Suite #213, Oakbrook, IL 60523 – Requesting a Special Use to Section IXA (B)(5)(a) to co-locate three wireless antennas on an existing monopole tower at 6849 W. Touhy Ave., Niles, IL.

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

Imelda Gallagher, colleague of Ray Shinka, 2210 Midwest Road, Suite #213, Oakbrook, IL 60523 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. Gallagher stated I do.

Chairman Callero stated do you have anything to comment on or tell us in your presentation other than what we received in your packet?

Ms. Gallagher stated you received in the packet all the pertinent information. Just want to reiterate I am seeking on behalf of T-Mobile a co-location application on an existing structure, a monopole that I believe is at 6871 Touhy Avenue in Niles. That is the Niles Public Services Center. (The address differed from the petition. Chairman Callero stated there was a memo that came to the Board showing the correct address to be 6849.)

Chairman Callero stated again any questions or comments from anyone in the audience? Again for the third time there are no dissenters in the audience. Any questions or comments from anyone on the Board?

Commissioner Troiani stated again Municipal Services Associates Inc. has reported on this for us. They're a service run by Stuart Chapman, the president, which the Village hires in these matters to check over the engineering and everything else. They submitted a program to us saying everything is official and should be recommended for the Village.

Commissioner Weel stated I just have one question for my own personal edification. The last petitioner was in here co-locating at a height of 90 feet and yours is at 120 feet. Again, what is the lowest level if you were to co-locate at 90 feet? How low can you go on a monopole like this to get service?

Ms. Gallagher stated it depends upon what they call the radio frequency charts that are issued by the actual company. They cover a different area depending on what they call a search ring. Depending on what the diameter is, it could be a mile, it could be five miles. So the height would be directly dependent on the coverage, how much you'd actually want. So I can't speak for the lady who was here before but in our case, for the coverage area we are looking for, it would require 120 feet. I believe the pole itself is 150 feet. And there is also another carrier at 130, I believe as well, and 100. There are a couple in there already. So in our case 120 would cover the area that we're seeking to provide coverage to the citizens here.

Commissioner Weel stated I guess historically, is there any level at which it would not be feasible for a cell company – is it 60 feet, is it less than that?

Ms. Gallagher stated there's no specific height, but it would depend on the area they seek to cover, and what their objective is in seeking to cover that. Whether it is distance or whether it's a lower height depends often if they have a lot of capacity in the same area. So for example, if you have a residential area that suddenly had some kind of additional boom, you're not necessarily looking to spread the distance. But in fact you have more users of cell phones within that area and you may not need such a height.

Commissioner Alpogianis stated just one more question. Ms. Gallagher, does having the forest right there, the concentration of the trees, have anything to do with the radio frequency?

Ms. Gallagher stated no, sir.

Commissioner Alpogianis stated it doesn't disrupt it whatsoever or anything. Thank you.

Chairman Callero entertained a motion.

Commissioner Weel moved 08-ZP-16 – Ray Shinka (represented by Imelda Gallagher,) T-Mobile Agent, 2210 Midwest Road, Suite #213, Oakbrook, IL 60523 – Requesting a Special Use to Section IXA (B)(5)(a) to co-locate three wireless antennas on an existing monopole tower at 6849 W. Touhy Ave., Niles, IL. be **approved**.

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

AYES: 5 Surace, Troiani, Weel, Alpigianis, Kanelos
NAYS: 0
ABSENT: 1 Dimond

There being five (5) 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 this will be heard by the Board of Trustees, leave your name and address with our secretary and she will notify you. Thank you very much.

Chairman Callero called for the next matter on the agenda tonight.

08-ZP-17 – Robert Jacknewitz, 2324 Hampton Ave., St. Louis, MO 63139-2909 – Requesting a Special Use to Section VIII (C)(2)(a) to operate a Cash Store at 8504 W. Golf Road, Niles, IL.

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

Robert Jacknewitz, 2324 Hampton Ave., St. Louis, MO 63139-2909, 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. Jacknewitz stated I do. He then stated I'm here on behalf of Cottonwood Financial who is looking to locate at 8504 Golf Road in Golf/Milwaukee Shopping Center in a space formerly occupied by Three Day Blinds. We are proposing to occupy about 1,600 square feet. The products they look to offer

from this facility are installment loans, payday loans, property and casualty insurance. This location would have three employees. The hours of operation are 9 to 6 Monday through Saturday. There are no Sunday hours.

Additionally, I wanted to point out the services they will not be providing. They will not be providing any kind of check cashing services, bill pay, wire transfer or currency exchange. Additionally, the facility they are looking to occupy will not have any, typically what you might find, security windows or drawers or anything like that. This is a transaction that the customer sits down with the representatives at a desk much like this; they go over the terms of the products and enter into the agreement there. So there's none of the typical what you might see in the past of security glass doors, drawers, things like that. Currently within the Village of Niles there are two similar businesses, Check and Go and also Advance America. As with those institutions as well as ours, you have to be in compliance with State of Illinois regulations. The state has mandated quite a few regulations on this type of business. Cottonwood currently has 46 locations throughout the state of Illinois, 250 locations throughout the United States, 8 different states. I prepared a packet that kind of shows you the different offerings they have, the layout of their facility, the rules and regulations the state has set forth, names and addresses of the other 2 businesses within the Village. If anyone has any questions.....

Chairman Callero stated are there any questions or comments from anyone in the audience? Again let the record show there's no dissenters in the audience. Any questions or comments from anyone on the Board?

Commissioner Alpigianis stated Mr. Jacknewitz, to sort of clear through everything you just said, in others words you are telling us that you're not going to be a currency exchange-type of operation and more or less you guys are going to exchange money or funds for some type of title to a car or a home or whatever it may be.

Mr. Jacknewitz stated yes, either secured or unsecured. When I said exchange, currency exchange.

Commissioner Alpigianis stated I just wanted to make sure I was clear.

Chairman Callero asked any other questions, comments?

Commissioner Weel stated I guess I have a question. What is the attraction in this particular location, this community, for a business like this when there's already 2 stores that you've indicated doing business in the community already? What is the attraction?

Mr. Jacknewitz stated what is the attraction? To that specific spot or to the overall Village?

Commissioner Weel stated I guess to that spot and overall.

Mr. Jacknewitz stated first of all that spot. Your zoning ordinance is restrictive in that this type of use can only locate in the B-2 zoning district which basically keeps it on Golf or keeps it on Milwaukee. We wanted to find a space that's about 1,600 square feet that has decent visibility, which this site does. This is about the size of the property we need. As far as why are they locating in the Village, demographics and also customer base, 60714. Quite a few customers from 60714 that currently travel to other communities are already existing customers. Those are the two criteria.

Commissioner Weel stated in your motto, when you say demographics – what are the demographics of a typical client?

Mr. Jacknewitz stated \$30,000 to \$80,000 income. The average loan in this case is \$500.00.

Commissioner Weel stated I guess my problem is our zoning code is pretty specific and there are certain standards that applications need to meet in order to be granted Special Use. One of them I think I have a problem with, is it deemed necessary for public convenience at this location? And given the fact we have a similar type of business within a couple blocks of this location and then we also have one at the south end of town – I just don't know that public convenience is being met here given this location and given the fact there's two existing businesses like this already in town.

Mr. Jacknewitz stated you're referring to, I believe it's Check and Go at 8305, I think is correct.

Commissioner Weel stated there's one, I believe, in Four Flags and then there's one on the south end of town on Touhy.

Mr. Jacknewitz stated, as I said earlier, it's the customers that Cottonwood has right now that is driving the desire to have a location closer to the customer base. That's why. And like I said too, they just can't locate anywhere. As you know your zoning ordinance, the B-2 uses are concentrated on Milwaukee and on Golf. I know that's small. That's about it. So there is not a lot of geographical variety I guess is the word that they could go to. They can't go very far east or very far west. Unfortunately that's it.

Commissioner Weel asked your industry is regulated by the State of Illinois?

Mr. Jacknewitz stated it is regulated by the State of Illinois under the agency that regulates the Department of Financial and Professional Registration.

Commissioner Weel stated no further questions.

Chairman Callero asked any other questions or comments from anyone on the Board? [There were none.] If not, I'll entertain a motion.

Commissioner Alpogianis moved 08-ZP-17 – Robert Jacknewitz, 2324 Hampton Ave., St. Louis, MO 63139-2909 – Requesting a Special Use to Section VIII (C)(2)(a) to operate a Cash Store at 8504 W. Golf Road, Niles, IL. be **denied**.

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

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

There being five (5) 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 this will be heard by the Board of Trustees, leave your name and address with our secretary and she will notify you. Thank you very much.

Chairman Callero made a motion to adjourn.

Commissioner Kanelos moved to adjourn the meeting.

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

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

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

NILES PLAN COMMISSION AND
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October 6, 2008

The meeting adjourned at 7:57 P.M.

James Callero, Chairman

Angelo Troiani, Secretary