

**APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS**

August 3, 2009

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

Chairman James Hynes asked everyone to stand for the Pledge of Allegiance and then asked Commissioner Troiani to take the roll.

Present along with Chairman Hynes and Village Attorney Joseph Annunzio were Commissioners Karen Dimond, Angelo Troiani, Thomas Kanelos, Robert Schulter, Jr. and Morgan Dubiel.

Commissioner Thomas Surace was absent.

Also present was Charles Ostman, Director of Community Development.

Chairman Hynes then asked are there any changes, additions, deletions or corrections for the July 6, 2009 meeting minutes. [There were none.] If not, I'll entertain a motion to approve.

Commissioner Dimond moved to approve the Minutes of July 6, 2009 as presented.

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

AYES:	6	Dimond, Hynes, Troiani, Kanelos, Schulter, Dubiel
NAYS:	0	
ABSENT:	1	Surace

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

Old Business

**09-ZP-10 Mr. James D. DiPieto, Owner
8657 N. Milwaukee Ave.
Niles, IL 60714**

Requesting a Special Use to Section VIII (B) (3) (y) to operate a truck rental business, and a zoning map amendment on lot 39, from R-4 general residence district to B-1 business district at 8657 N. Milwaukee Ave., Niles, IL 60714

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New Business

**09-ZP-12 Ms. Denise Lam, Executive Director
YMCA
6300 W. Touhy Ave.
Niles, IL 60714**

Requesting a Special Use to Article V, Section 78-217 (9) for the installation of an electronic message center and a variance to Section 78-128 (f) (l) to increase the maximum sq. ft. from the allowed 53.29 sq. ft. to 292 sq. ft., an increase of 238.71 sq. ft. to be located near the rear entrance at 6300 W. Touhy Ave. [on Melvina]

Chairman Hynes called for the first item on the agenda.

09-ZP-10 - Mr. James D. DiPieto, Owner, 8657 N. Milwaukee Ave., Niles, IL 60714 - Requesting a Special Use to Section VIII (B) (3) (y) to operate a truck rental business, and a zoning map amendment on lot 39, from R-4 general residence district to B-1 business district at 8657 N. Milwaukee Ave., Niles, IL 60714. This was deferred from the last Board meeting.

Chairman Hynes stated Mr. Ostman, would you please present the position of your department.

Good evening. Charles Ostman, Director of Community Development. This is case number 09-ZP-10. Subject property is 8657 N. Milwaukee Ave. The legal notice was published originally on June 18, 2009 in the Bugle Newspaper to meet the requirements of notification. This zoning petition is continued from the July 6, 2009 meeting. All property owners within 250' were also provided with the legal notice by first class mail. All residents attending the public meeting on July 6, 2009 and provided their name and address were notified of this meeting this evening. Zoning petition 09-ZP-10 is a request for a Special Use to operate a truck rental business at 8657 N. Milwaukee Ave. The petitioner is also requesting, at the direction of the Community Development Department since it is required, to rezone half the property to B-1. If I can expand on that a little bit, [overhead screen display]

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if you'll notice on this aerial view half the property is zoned R-4 and the north half of the property is

zoned B-1. The property owner probably didn't even know this. I don't know the historical reason as to why this was never cleaned up in the

past, but it is the recommendation of the Community Development Department that if the truck rental Special Use is approved, then this Board would also have to recommend changing the zoning to B-1 to bring it into legal conforming. Do you have any other questions?

Commissioner Dubiel stated can there be a rental business there without the Special Use.

Mr. Ostman stated no. In the zoning code, a truck rental or a vehicle rental, is a Special Use in B-1 or B-2 district in the Village of Niles. You must obtain a Special Use.

Commissioner Kanelos stated did the police department have any questions or concerns regarding traffic coming in and out of the parcel.

Mr. Ostman stated I don't believe so.

Commissioner Dimond stated you were mentioning a Special Use would have to be granted in order for the truck business to operate here. The zoning on the northern part is already B-1, is that correct?

Mr. Ostman stated that is correct. The north half of the entire parcel is already zoned B-1.

Commissioner Dimond stated so that already has the proper zoning it would need for the north part.

Mr. Ostman stated the proper zoning but still requiring a Special Use. But the proper underlying zoning, yes.

Commissioner Kanelos stated Chuck, I don't know if you'd know this question, but do you know where school buses might pick up or drop off children.

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Mr. Ostman stated I am not familiar with that.

[Someone is speaking from the audience. Chairman Hynes states out of order, you'll have a chance to speak later.]

Commissioner Troiani stated I think at this time, before we go any further, we must take this motion out of "table" and bring it to an active

part of the meeting. We tabled it at the last meeting. So we have to take it off the table to bring it back.

Chairman Hynes stated just because it's on the agenda, it doesn't mean it's automatically off the table. So I will make a motion that we take the motion off the table from the last meeting.

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

AYES:	6	Dimond, Hynes, Troiani, Kanelos, Schuler, Dubiel
NAYS:	0	
ABSENT:	1	Surace

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

Chairman Hynes stated just to make sure we are perfectly on board here, I make a motion that all statements, Chuck, and questions be made part of the meeting post tabling.

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

AYES:	6	Dimond, Hynes, Troiani, Kanelos, Schuler, Dubiel
NAYS:	0	
ABSENT:	1	Surace

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

Chairman Hynes stated thanks for bringing up that clarification, Mr. Troiani. Does anyone else have any questions for Mr. Ostman. [There were none.] Thank you Chuck.

James D. DiPietro stepped forward.

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Chairman Hynes stated please raise your right hand. Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Mr. DiPietro stated I do. My name is James DiPietro, 1325 Pennsylvania, Des Plaines, IL. We are looking to park Penske rental trucks on the north end of our property. We have plenty of room for it. We really need the extra revenue to help stay in business. We've been there twenty-one

years and I'd really like to stay there. We keep our property clean and rely on your help to stay there.

Chairman Hynes stated are there any questions from members of the Board.

Commissioner Dubiel stated as currently configured you have an oil change business there, correct?

Mr. DiPietro stated that is correct.

Commissioner Dubiel stated what you are saying is that does not generate enough revenue to maintain the property. So adding this Penske rental service will help you.

Mr. DiPietro stated that would definitely help us stay in business.

Commissioner Dimond stated can you tell us the maximum number of trucks you will park on the parcel. And what entrances and exits will they be using from your parcel.

Mr. DiPietro stated there should not be any more than twelve trucks at any given time. They can come in on Milwaukee Ave. or Crain St. Pull the vehicle in front when they return it.

Chairman Hynes asked for a pointer – if it's possible – for Mr. DiPietro to point out [on the overhead] where the entrances and exits would be.

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Mr. DiPietro pointed and stated we have an entrance here and an entrance here. If you're in the building, the trucks would be parked there plus you can pull right out – left or right. Very simple.

Chairman Hynes stated are there any other entrances or exits into that parcel.

Mr. DiPietro stated yes, on Crain St. right to the north end there. And also behind the building there is an entrance way.

Chairman Hynes stated are you planning on restricting [if this is approved] the truck traffic to only Milwaukee Ave.

Mr. DiPietro stated yes, I don't want anybody pulling out on the side street. When they rent the truck I'll let them know to pull straight out onto Milwaukee.

Commissioner Dubiel stated will you control that with signage.

Mr. DiPietro stated I'd be glad to put a sign up but a verbal or a sign would both work.

Commissioner Schulter stated is Penske going to make you fence your property in.

Mr. DiPietro stated no, they have not mentioned that but shrubbery or a small fence would be appropriate if need be.

Commissioner Schulter stated I was just asking if they are requiring you to fence in the property.

Mr. DiPietro stated no, not at all.

Commissioner Kanelos stated in your letter dated June 8, 2009, you state that none of the rental vehicles will be more than twenty-four months old and we will have no more that eight vehicles on the property at any time. Tonight you mentioned twelve. Is that a conscious change? Have you determined that you can fit more?

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Mr. DiPietro stated that is correct. Mr. Ostman asked me to take pictures with vehicles on the property. We had to put vehicles on the property and it barely even fazed the lot.

Commissioner Kanelos stated you have the little drawing on there to the north of the building. You show ten there. The pictures show six and those six take up almost that entire area, not quite. I would be

interested in knowing, do you know the dimensions of the vehicles that will be there?

Mr. DiPietro stated no, I do not. But the Penske gentlemen are here and they have all that information.

Commissioner Kanelos stated I know the drawing is just a rough sketch and certainly not to scale, but I don't think ten trucks will fit in that

spot. I could be wrong but I'm assuming the gentlemen from Penske can answer that. If there's going to be two more, I'd like to get a better idea of just how much of the space it's going to take up.

Commissioner Dimond stated do you have any plans to park any trucks further west, that is any closer to Milwaukee Ave. than is shown on that drawing. That is, any further west than the front of Grendel's.

Mr. DiPietro stated no, not at all. No trucks will pass the front of the building.

Commissioner Dubiel stated any concern that adding these trucks there will have an effect on your oil change business traffic flow.

Mr. DiPietro stated no, not whatsoever. We hope it actually increases the oil change business.

Commissioner Dubiel stated do people [customers] from your oil change business exit through the back at the alley there.

Mr. DiPietro stated no, always on Milwaukee or Crain St.

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Commissioner Kanelos stated Mr. Chairman, will we have an opportunity to ask the gentlemen from Penske some questions.

Chairman Hynes stated Mr. DiPietro, are you prepared to have the people from Penske come up and make their statements.

Mr. DiPietro stated most certainly.

Commissioner Dimond stated one more question. Were you planning on washing those trucks at that location?

Mr. DiPietro stated no maintenance will be done at that location at all. Penske will maintain and wash all the trucks at their location in Elk Grove.

Chairman Hynes stated any other questions before the people from Penske come up.

Commissioner Dubiel stated just to reserve the right to ask more questions later.

Chairman Hynes stated to Mr. DiPietro, do you have people you want to speak on your behalf from Penske come up.

Mr. DiPietro stated yes and I would also like to thank the people for giving me the opportunity to speak. Thank you.

Ryan Craig, Area Rental Manager from Penske, stepped forward.

Chairman Hynes stated please raise your right hand. Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Mr. Craig stated I do.

Chairman Hynes stated to Mr. DiPietro what would he like Mr. Craig to tell the Board on his behalf.

Mr. DiPietro stated answer the questions about the size of the trucks.

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Mr. Craig stated the largest truck to be parked on the lot would be a 26'. There will be no tractor, I repeat, no tractors or trailers parked on this lot which obviously are in excess of 53' long when combined. So the largest truck that will be on this lot is 26' down all the way to a cargo van which is essentially the size of a large SUV.

Commissioner Kanelos stated is that overall length of truck. Do you know how many of each size you intend to have there? I realize you might be based on demand.

Mr. Craig stated that is the box length. The overall length is 33'. The width is 8'6". It would be based on demand. We can manage it effectively. We have locations in Franklin Park and Elk Grove that we dispatch drivers from. So at any time, if there were any concerns as far as overflow, we can have drivers there within minutes.

Commissioner Dubiel stated when you say overflow; do you mean there are too many trucks on the property?

Mr. Craig stated if there was a concern of there being too many trucks, we can have them removed in literally an hour's time.

Commissioner Kanelos stated so the largest truck would essentially extend approximately, in a line parallel in front of the building, it would extend about 5' past the end of the building. The building is 28'. Do you have a typical configuration in an application like this of approximately how many of the different size trucks will be there?

Mr. Craig stated on a configuration like this, once again the 26' being the largest, and typically in Chicago the bulk of our demand is for 16', that would be the most common rental out of this location. Based on experience of the other locations close by in the area, the 16' would be the most common, literally the size of a larger SUV like an Expedition or a Navigator. Just slightly larger than one of those in overall volume it takes up on a lot.

Commissioner Kanelos stated that 16' foot is the box as well, correct?

Mr. Craig stated it is. The overall volume of it is very similar to a Ford Expedition.

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Commissioner Kanelos stated is the front portion, the cab for lack of a better word, is that 7' like it is on the 26'.

Mr. Craig stated no. On a 16' it's smaller. The overall length would be about 19' on a 16' box truck. The width would be 8' on those.

Commissioner Dimond stated based on your business experience with these trucks, how many trucks are going to fit in this space that we're

looking at on the diagram. How many are actually going to fit in that area.

Mr. Craig stated no way 10 - 26 footers will fit there. 26 footers will not be the application. On a given day, let's pick a Saturday; it would be the busiest day. At most there would be three 26' and the rest would be vans or the 16' trucks which would be of the smaller variety. It could accommodate 10 trucks.

Commissioner Dimond stated also based on your business experience, how many trucks do you expect to be rented from this location over the course of a week.

Mr. Craig stated over the course of a week, I would expect based on experience in the summer, during the week probably three to four transactions a day. So maybe there are six to eight trucks staged there during the week just in case there is extra demand. Obviously those get checked out, and then there are two or three trucks left on the lot until they check back in. On a given Saturday, our busiest times are at the end of the month, when peoples' leases break, that kind of thing. They're going to move out on the 31st and try and be in on the 1st or the 30th and the 1st. That's when we are going to be the busiest. You may actually see nine or ten reservations. When that happens the trucks are usually gone between 8 and 11 a.m. then the lot is empty.

Commissioner Schuller stated when the customers come in and they rent a vehicle and say you have a very busy day, where are these customers going to park their personal vehicles?

Mr. Craig stated customer parking will be off to the side with the same oil change parking there. Most customers come there for pickup with two

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drivers and drive the truck. They don't leave their car there. Some may but most do not.

Commissioner Dubiel stated this is a Penske franchise, correct?

Mr. Craig stated yes.

Commissioner Dubiel stated as you investigate a possible or potential franchisee, did you investigate other possible areas for this in Niles? Or

is this an ideal location for you and how did you come to that conclusion?

Mr. Craig stated yes, this is an ideal location based on the intersection, the size of the lot, visibility and also the facility and the type of business it is. It's not the kind of business where there is it is the kind of business that can handle additional volume and supplement the business. It's exactly what we want. We want a partnership where we can help this business survive and hopefully thrive, but it's not a business that has so much volume throughout the day where there are going to be people in there, so on and so forth. There are times to just put it off to the side; check out a customer for five to ten minutes. It would work hand in hand for both of us.

Commissioner Dubiel stated so an average checkout is about ten minutes. Fifteen minutes would be long to get a truck out.

Mr. Craig stated tops, yes fifteen minutes would be someone who has a lot of questions they want answered. We take the time to do so, but most checkouts are five to ten minutes.

Commissioner Dubiel stated okay, so you are saying this is ideal for your purposes because of the location and the type of business and the volume of business that he does in his oil change – it fits well.

Mr. Craig stated correct.

Commissioner Dubiel stated my other question is - are there any issues or concerns with the safety of this particular location. How does it jive with other Penske rental locations in the area?

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Mr. Craig stated very similar. Obviously our own full service facilities are secured lots but we have over nine hundred agents in our agent network across the country and most fit this profile almost to a tee.

Commissioner Dubiel stated this is a very close residential area – just behind it, just to the south of it. Is that similar as well?

Mr. Craig stated very similar. Actually most residential communities prefer it because it brings traffic in as well. With the inbounds of the trucks it brings residents to the community.

Commissioner Dubiel stated then, historically, do you guys have a concern with drivers' inexperience? These trucks can be big, difficult to drive.

Mr. Craig stated every truck that would be parked on his lot would be automatic transmission. Essentially, it is just wider turns a little bit but ultimately, these are trucks that people check out everyday. They are bigger obviously than the normal car that people drive day to day but as far as the cab, it feels very similar to a regular automobile.

Commissioner Dubiel stated so your experience base is that these people who drive these don't have more accidents.

Mr. Craig stated actually they have less because they're governed speed, they're big, they're yellow – very visible. People see them coming and they are just naturally more cautious checking their mirrors, that kind of thing, driving a truck than they are typically..... those people who get in accidents are more in a rush, more comfortable, not paying attention. And typically people that are driving a truck – only two or three times in their lifetime – are very careful during that time. Like I said, our Penske vehicles, which I'm sure everyone has seen on the road, you can't miss them. We keep them clean; we keep them well maintained and that yellow paint is kind of our best advertising. It is also a safety feature in itself. That's part of the reason Roger Penske chose that yellow color, safety as well.

Commissioner Dubiel stated the trucks that will be kept there, just to re-emphasize, will be no more than twenty-four months old. So this is a rolling

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process. So a twenty-five month old or one that would be twenty-four months and a day would be removed from here and a fresh truck brought in.

Mr. Craig stated yes. If requested for it to be removed we would bring it right in. But almost all of our trucks, especially in the consumer product line which is what this would be geared toward, right now are 2007 or newer.

Commissioner Schuler stated do you have any idea what hours the business is going to be there, Monday through Friday and on the weekends – hours of operation.

Mr. DiPietro stated Monday through Friday we're open from 8 a.m. until 7 p.m. and Saturday from 8 a.m. till 6 p.m. We are also open Sunday from 9 a.m. till 4 p.m.

Commissioner Schuler stated do you currently have video surveillance on your building.

Mr. DiPietro stated no I do not.

Commissioner Schuler stated do you plan on putting one there for people driving their trucks back so if they hit another vehicle you know who caused the problem.

Mr. DiPietro stated no, I intended to use the cameras for other reasons, not that reason.

Commissioner Dubiel stated so you are going to bring in cameras, is that right?

Mr. DiPietro stated that is correct.

Commissioner Dubiel stated is this a change in your operation.

Mr. DiPietro stated no.

Commissioner Kanelos asked of Mr. Craig – could you please tell us in the area behind the building – have you given any thought to how many vehicles you would be parking there. From the offset on the south end to the north corner.

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Mr. Craig stated it is going to vary based on the size of vehicles because it's such a large discrepancy from a 26' which is ultimately 33' in length down to the panel van which is literally the size of a normal van. On a given mix, say it was one of each, you'd be able to put another three or four trucks back there easily.

Commissioner Kanelos stated I don't think you'll be able to fit even one of the larger trucks because you have 35'

Mr. Craig stated we are going to restrict the large trucks to one half of the building.

Commissioner Kanelos stated was I correct in hearing before you said typically there would be maybe three of the larger trucks and the remaining seven would be of a smaller variety.

Mr. Craig stated yes. In Chicago especially, in the immediate Chicago suburbs, most of the requests are for 16' and less, but we do have some, on average maybe about 20% of the transactions are of the large truck variety. But most are moving three bedrooms or less so that goes to our 16'.

Commissioner Kanelos stated I don't think you'll be able to put two deep of any of your vehicles back there. It's going to have to be one deep, I'm pretty certain.

Chairman Hynes stated are there any other questions from the Board. Mr. Ryan [Craig] or Mr. DiPietro, do you have anything else you wish to add?

Mr. DiPietro stated no.

Chairman Hynes stated please stay up there. Anyone in the audience wish to speak? Procedurally what I'd like to do, if anyone has specific questions for either of these witnesses, come up, ask the questions and then once that is done we will close that aspect of it. Then anyone who wants to come up and speak either on behalf or against it can come up.

Diane Scarpelli, 8716 Wisner, Niles stepped forward.

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Chairman Hynes stated do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

Mrs. Scarpelli stated I do. I am unclarified about how many trucks are going to be there. I have this portrait here and it's hard to believe there will be ten trucks parked there – none in front of the building toward

Milwaukee Ave. I don't see that at all. Now I've heard six trucks, eight trucks, ten and twelve trucks. I just need to know how many. And if there's more, who do we call?

Mr. Craig stated like I said, reservations are going to vary greatly. At most there would be ten. So most times, like I said during the week, the volume isn't going to call for that. You are going to see a lot less trucks. It's only going to be at the end of the month on a weekend where there's a spike and those trucks are checked out within a matter of two or three hours in the morning then they are gone.

Mrs. Scarpelli stated where are they. Show me. Look, there are three trucks here and where are the rest going to be.

Mr. Craig stated there's more room on this side.

Chairman Hynes stated there's a problem because you are looking at something we can't see. Is it possible to use the overhead?

Mr. Ostman placed the picture on the overhead.

Chairman Hynes stated this is the photograph you are talking about. It looks like they are three abreast in the front.

Commissioner Dubiel stated Mr. Chairman, there's a rear view here also. You can see there are three and then three behind. Can you tell us what size those trucks are?

Mr. Craig stated those are 16' box trucks. It looks like there may be one 26' off to the side. The rest are 16'. That's going to be the majority out of this location – it's exactly that size. It is what we call our cube truck.

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Chairman Hynes stated for those photographs that were part of Mr. DiPietro's application, we've got both front and rear views. Am I correct those two photographs of front and back views take six trucks and you say one of them is a 26' and the others are 16'?

Mr. Craig stated yes, so the others will obviously be behind the building not going in front of the oil change. Nothing will be parked in front.

Chairman Hynes stated you are saying nothing will be parked in front of the building. Any additional trucks beyond the six depicted here in the photographs will be in the back of the building.

Mr. DiPietro stated that is correct. I've been there a long time. I like to keep the place clean. I don't want anything else – just the way it is. Nice, neat and organized.

Mrs. Scarpelli had no other questions.

Commissioner Kanelos stated I have a question, maybe one of the residents can answer, and nobody's answered so far. Does anybody know for certain where the school buses pick up?

Chairman Hynes stated we will get to that question in a minute.

Commissioner Dubiel stated your [Mrs. Scarpelli] concern is that this particular lot cannot handle ten trucks. Now that he made his explanation it looks like it could handle six, maybe nine. Does that seem reasonable? Six on the side and maybe three more behind. Does that look all right? The geometry of it appears to be you can get maybe nine trucks, and the 26' foot is your 33' overall – so that's your biggest truck.

Mr. Craig stated we know that's going to take more space, Jim's going to know it takes more space. We are only going to bring that on an as needed basis for checkout. So if it has an 11:00 checkout, it's going to be there between 8 and 9 and its gone two hours later. We have drivers we assign for delivery. They're not just going to be parked and continue to pile up. We bring them on an as needed basis.

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Commissioner Dubiel stated I want to clarify what you just said. You are saying, let's say there are just six or nine trucks parked there during the course of a week, he needs a tenth truck. You're saying Penske, for that day, would bring the tenth truck for the renter. That truck then gets used. Returned. Penske takes it back. It's not even on the lot, is that what you are saying?

Mr. Craig stated whenever he's getting in trouble, or if he's having concerns over lot space, we actually can see trucks that would be due into Niles by date. So we are already preparing for it. Somebody got an

inbound reservation, we're going to see all that on what we call his lot check. It's going to show due-ins and what he actually has out locally or one-way. It's very well managed and easy to plan. This is not a high volume business. This isn't something that goes on a minute by minute basis. It really is a day to day thing at best. This isn't something where trucks are going to be coming in and out of here all day long. During the week, especially when you get into the wintertime – weekdays you are looking at two, three, four transaction tops; maybe seven to ten on Saturday tops. It's not a high volume type of industry. That's why it works well with someone who has their own full time business. It supplements that and gives them a little extra revenue.

Commissioner Dubiel stated so you've run into this concern before and you are able to address community concerns in terms of the volume of trucks.

Mr. Craig stated yes, especially in Chicago. It gives us a chance to spread out across the different suburbs and through the different parts of the town of Chicago and we run into lots like this – this size or smaller.

Commissioner Kanelos stated did I hear you say typically a weekday rental is two to three a day. And then up to seven on a weekend.

Mr. Craig stated yes, during the week. That's about right [for the weekend also.]

Commissioner Kanelos stated is that pretty consistent year round.

Mr. Craig stated pretty consistent with maybe a spike at the end of the month, on that last day.

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Commissioner Dubiel stated summers would be busier obviously than the winters, is that right?

Mr. Craig stated correct.

Chairman Hynes stated does anyone else have any other questions directly for them. [There were none.] At this point we will close the cross

examination. Anyone now wishing to speak either on behalf or against this petition may do so.

Harry Doleschal, 8709 N. Wisner, Niles stepped forward.

Chairman Hynes stated do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

Mr. Doleschal stated I do. I do live very close to the intersection of Crain and Wisner, which is right in that area. My concern is primarily the additional traffic, as well as the customer parking, especially on weekends in that area. We already do have congestion from right across the street at the polish deli, especially on weekends. Also, we do have additional traffic and parking in that street already. People come in the morning, park their car there, walk across Milwaukee Ave. to the bus stop, and take the bus in the morning. They come back in the evening and pick up the car that is parked in the street.

Chairman Hynes stated which street is that.

Mr. Doleschal stated that would be Wisner, right on the corner of Crain. And now my concern is it could happen you have people who come, rent a truck. They might not have it for very long but they might park the car there for one or two days. It could happen. It's a lot of congestion already. It might be very close in other areas but they don't have the additional congestion that we already have with the delicatessen store. That's my concern.

Chairman Hynes stated does anyone have any questions for the gentlemen. [There were none.] Anyone else like to speak?

Matt Jaanimagi, 8724 N. Wisner, Niles stepped forward.

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Chairman Hynes stated do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

Mr. Jaanimagi stated I do. Pretty much what the previous speaker had to say. The deli creates a high volume of traffic on Saturday mornings, especially over holidays too. The volume of traffic is so heavy; they are always coming and using our driveways to turn around. From what I

can see, as the gentleman here from Penske mentioned, that Saturday mornings would be a high volume of traffic on their end also. So what are you going to create? Trucks trying to get out there on Milwaukee, whatever the case. It's going to create from what I can see some real difficulties and probably, as the previous speaker mentioned, the parking packed already. People constantly, as I mentioned before, pulling into our driveways, turning around. We're the ones who pay for our driveway. They are all marked up from the tires, from turning their wheels back and forth. And I'm sure that's going to add even more once this truck rental business gets on the way with these customers coming and going.

Chairman Hynes stated I have a question for you. You say you live on Wisner. Is that the street adjacent in the back of this property?

Mr. Jaanimagi stated right across Crain. You can see the deli and where we are – down the street from the deli a couple of houses. Right now we are being taxed and I'll tell you, it causes stress. And we have children on the block. Undoubtedly, it's going to create more traffic. You can't get away from that.

Chairman Hynes stated I see now Wisner is perpendicular to Crain and parallel to the deli you are talking about at 8705. Do you have anything else to add sir?

Mr. Jaanimagi stated that is basically it.

Chairman Hynes stated does anyone have anymore questions for these gentlemen. [There were none.]

Mrs. Diane Scarpelli returned to the podium. Needless to say we would not like this property rezoned for all the reasons that were mentioned plus the

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school bus stops right there at Wisner and Crain. It picks up grammar school children in the morning, drops them off after school on the south side of the street, which is closer to where the trucks are going to be pulling out. There's no guarantee the trucks will pull out onto Milwaukee Ave. and not turn around on Crain and come down Wisner and go to Dempster. We have it all the time. People want to get rid of the light at Dempster and Milwaukee. They are always cutting down Crain to Wisner and to Dempster. Wisner is a through street to

Dempster eastbound. We have little children on the block with their bikes. We do have the Niles Polish Deli, which our neighbor already mentioned. Their employees park on our street; their customers park on our street. We have people parking on our street that catch the Milwaukee bus. I know it is our problem because it is our little block. Now we will have trucks coming down our street. We will have more parking on our street. I get home from work and I can hardly find a parking spot. So we are opposed to it. We are a little residential area. We are carrying our load with the Niles Polish Deli and with Mango nightclub behind us. We just don't need anymore activity in our little area. Plus would we have a little pollution with the trucks going down our streets. I don't know. The noise. Trucks driving in and out. And the concern of the school bus. Those are all big concerns.

Commissioner Dubiel stated you mentioned Mango nightclub. What's the issue there?

Mrs. Scarpelli stated they have a 4:00 liquor license; needless to say we're up all night most of the nights with that traffic. Alarms going off in the cars; they are yelling and screaming. We have that nonsense to put up with. I think we are carrying our own load here. We are not looking for anymore aggravation.

Chairman Hynes stated PLEASE. [There is someone speaking out of turn from the audience.] Do you have anything else?

Mrs. Scarpelli stated that's it.

Chairman Hynes stated does anyone else have other questions or comments to add.

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Mr. DiPietro stated none of my customers will be parking on any of the side streets at all nor will my employees. I'm sorry you have problems with the people from the deli and the people with the buses. There's nothing I can do about that. You have to talk to the police. We maintain a clean piece of property. We maintain it and manage it pretty well and we hope to continue doing so.

Commissioner Dimond stated can I ask you one question based on what we've just heard. It seems like the most complaints revolve around

parking. I understand that some people who rent a truck may come with another driver and they'll simply take away the car and the truck at the same time so they won't leave any vehicle. What if a person comes and wants to leave their car and take a truck away. Can they leave their car on your property?

Mr. DiPietro stated no. We are going to let them know there is no parking on the streets and this is a rental; there's not going to be any cars left on our property or on the side streets around us at any time.

Commissioner Kanelos stated if they come and they have a car, you are going to tell them they can't park on your property, correct?

Mr. DiPietro stated that is correct.

Commissioner Kanelos stated and you are also going to tell them they can't park on the street either?

Mr. DiPietro stated no. We will not allow that at all.

Commissioner Kanelos stated that's the problem. I'm not sure how you are going to address the issue of the person that comes with his car. You can't park it on your property; you can't park it on the street. Are you going to tell them to go home and come back with another driver?

Mr. DiPietro stated that is correct.

Commissioner Dubiel stated I'd like to direct another question to the Penske official. How common is it that someone has to leave a car when they come to rent, in your experience?

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Mr. Craig stated it's not very common. People don't move themselves. Very rarely does someone not have anybody else to help them move. They get a truck and they go.

Commissioner Dubiel stated so in general, its moving day. They come with a friend who's going to fill their little car and the rest goes in the truck and they go together. Is that what you are saying?

Mr. Craig stated correct. In the instances where we do have people at our facilities that park and pick up a truck, it's commercial use which would be very infrequent here. We could just specify to that customer they couldn't park here.

Commissioner Dubiel stated is that part of your franchise agreement with Mr. DiPieto that you know in advance there will be no parking available for customers on his property.

Mr. Craig stated yes. We have that in place with several Penske agents across the country.

Commissioner Dubiel stated is there an overflow problem then into the communities around where people say well, we can't enforce that; I'll just park on the street.

Mr. Craig stated like I said typically they don't have any reason to park at this facility. They came to get the truck and go back and move their things, not to come there to be at a nightclub or get food from a deli. They came to get their truck and go. They really have no reason to leave their car there.

Commissioner Dubiel stated so it's quite rare that someone would leave their car.

Mr. Craig stated yes. I'm not saying it never happens. I would not say that in front of the group. But it is rare. It is not the application for the truck rental. They came to get the truck and to get it back and move their things. They have no reason to leave their car there.

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Chairman Hynes stated anyone else have any questions of Mr. DiPietro or Mr. Craig.

Commissioner Schulter stated you couldn't really force the people to not park on that street because it's a public right of way.

Mr. Craig stated correct. We could only force them not to park on his property.

Commissioner Dubiel stated under that circumstance, does it make more sense, Mr. DiPietro, to allow some customer parking on your property or no.

Mr. DiPietro stated if the situation would occur and we had plenty of room I wouldn't mind.

Chairman Hynes stated anyone else have any questions.

Mr. Craig stated if I can address the school bus issue please. If I can just clarify this is not a high volume type of industry where there's trucks coming in and out of here all day long. Let's call it maybe ten minutes where kids are off the bus in the process of walking around. We maybe do two to three checkouts a day during the week when school is in session. This isn't a type of industry where trucks are coming in and out of that lot all day long. His core business is oil change, which won't change. He's obviously partnering with us. We'd be able to help him out to sustain his business by getting him a little extra revenue when he checks out trucks. It's only going to be two to three trucks a day and you may see a little bit more on the weekend. But like I said these people are coming to get a truck and they are going. They have no reason to stay there.

Commissioner Kanelos stated let me just say as a parent I think there are children on the corner for a lot longer than ten minutes when they get dropped off, especially in the morning when they go there and are waiting for the bus. That being said, would you be willing to restrict the times, for example you can't drive off the lot between 8 and 9 a.m. and you can't return between whatever the hours of school bus drop-off is.

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Mr. Craig stated we wouldn't be completely opposed to it but like I said it's very low volume and our trucks are what people see the most.

Commissioner Kanelos stated it's not always what people see. It's what the driver doesn't see. That's the concern we are having. Believe me, I'm not trying to punish you for the problems that are arising out of the deli or out of the bar. That's not of your causing.

Mr. Craig stated I understand. If there's concern in the morning as far as a start time, with the morning pickup we can arrange for checkout to

be after a certain morning period. If was 8:30, 9 a.m. to start truck rental we could set his hours of truck rental to be 9 a.m. That's not a problem. We actually have several places that are like that, not for any particular issue. They just don't open till 9.

Commissioner Dubiel stated given the configuration how we see them parked, those [truck] noses will be toward the street. Is it common that they will move out to Milwaukee and not take Crain?

Mr. Craig stated yes. People, when they get in a truck, want to go straight. They are not going to reverse until they absolutely have to. That's why this configuration works. I know it seems tight to people that aren't familiar with it. But this isn't really that tight of a location. There's room to maneuver here. They would already be set up for the customers to drive straight out. They won't have to do much back and forth and that kind of stuff with the truck. They'd be set up to go straight right onto Milwaukee.

Commissioner Dubiel stated and what about the pull in when they return. What's the expected traffic flow of that, do you know?

Mr. Craig stated we help that with signage. It will say truck return here. It will be clearly marked.

Commissioner Dubiel stated it will get signed in and parked in its proper parking spot by Mr. DiPietro or your staff.

Mr. Craig and Mr. DiPietro both stated that's correct.

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Commissioner Troiani stated don't you need a chauffeur's license for a 36' truck.

Mr. Craig stated for something that size you would. Ours only goes up to 26'. At 26' you're still fine with a regular class D Illinois license.

Commissioner Troiani stated Illinois plain residential license for a 26' but not over. In other words your 36' would have to be by someone with an LD license.

Mr. Craig stated correct. You'd have to have a commercial drivers license classified CDL, class B for that. Then when you get to tractor/trailer you have to have class A. We would not be dealing in any of that out of this location.

Chairman Hynes stated anyone else have questions. [There were none.] I will entertain a motion.

Commissioner Troiani moved that 09-ZP-10 - Mr. James D. DiPieto, Owner, 8657 N. Milwaukee Ave., Niles, IL 60714 requesting a Special Use to Section VIII (B) (3) (y) to operate a truck rental business, and a zoning map amendment on lot 39, from R-4 general residence district to B-1 business district at 8657 N. Milwaukee Ave., Niles, IL 60714 be **denied**.

Chairman Hynes stated any discussions; any amendments. [There were none.]

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

AYES:	4	Hynes, Troiani, Kanelos, Schulter
NAYS:	2	Dimond, Dubiel
ABSENT:	1	Surace

There being four (4) affirmative votes the motion was denied.

Chairman Hynes stated this is our recommendation to the Village Board. This is not a final decision. Our recommendation and findings will be submitted to the Village Board and it is up to Mr. DiPieto to contact Mr.

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Ostman to get it on the agenda of the next Village Board meeting. [The petitioner had already left the room and did not hear Chairman Hynes state this.]

Chairman Hynes called for the next item on the agenda.

09-ZP-12 - Ms. Denise Lam, Executive Director, YMCA, 6300 W. Touhy Ave., Niles, IL 60714 - Requesting a Special Use to Article V, Section 78-217 (9) for the installation of an electronic message center and a variance to Section 78-128 (f) (1) to increase the maximum sq. ft. from the allowed 53.29 sq. ft. to 292 sq. ft., an

increase of 238.71 sq. ft. to be located near the rear entrance at 6300 W. Touhy Ave. [on Melvina]

Good evening. Charles Ostman, Director of Community Development. This is case number 09-ZP-12. Subject property is 6300 W. Touhy. Legal notice was published July 6, 2009 in the Bugle Newspaper. All property owners within 250' were also provided with the legal notice by first class mail. This is a first request under ordinance 2009-35 just recently approved by the Village Board giving the Zoning Board of Appeals authority to hear all requests for variations to Chapter 78 relating to signs and provide a recommendation to the Village Board. This is also the first request under ordinance 2009-25 which was approved in June which classifies all electronic message boards as a Special Use in which the Plan Commission has the authority to hear all the requests and provide recommendations to the Village Board. I apologize for not delivering to this Board a complete package of the Chapter 78 sign code. This is a request to Article V, Section 78-217 (9) for the installation of an electronic message board to be located on Melvina, not Touhy Ave. The location is on Melvina. The second part of the request is a variation to increase the sign area from 53.29 sq. ft. maximum permitted to the total area of 292 sq. ft. The policy has been in determining the sign area is to incorporate the entire sign structure excluding any embellishment. The formula for determining the sign area is the height of the sign squared divided by two which we have here: a total height of this sign is 14.6 ft. squared is 106.5 – that's for both sides and a maximum limitation of 53.29 sq. ft. per each side. That's the sign code as is stated right now. So they are looking for a variation there. The staff recommends approval for the variation with the following conditions. The sign be located 10' from the property line for line-of-sight issues in regard

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to the base of the sign, looking north on Melvina. The second would be landscaping plans that shall be provided to Community Development before receiving approval by the Village Board. The second recommendation in regard to the electronic message board is that it recommends approval for the electronic message center with the following conditions. The electronic message board shall be limited to 5,000 nits – that is the reference they use for brightness on these types of signs during the day and 500 nits between dusk and dawn. That concludes my report.

Chairman Hynes stated I assume nits is a term of art in the signage business. So if you are in the signage business and you are making them, using them, you know what a nit is.

Mr. Ostman stated right.

Chairman Hynes stated any questions for Chuck on this.

Commissioner Schulter stated is any of the sign going to be located within an existing utility easement.

Mr. Ostman stated no, not according to the survey we have.

Commissioner Dubiel stated with the existing sign has there been concern about obstruction on oncoming traffic.

Mr. Ostman stated the department has concerns in regard to this sign and there are many other signs in the Village of Niles that are legal and they are conforming to the sign code. Our sign code is out of date and we are going to be updating over the next few months through the Building and Zoning Committee. But it is our recommendation that in reviewing other sign codes from other municipalities a 10' setback from the property line is pretty much consistent throughout other municipalities.

Commissioner Dubiel stated but you are recommending a 15' setback.

Mr. Ostman stated excuse me, thank you for bringing that up. My initial recommendation was 15'. Upon further research with other

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municipalities and actually doing a site visit, my recommendation is 10' and that's going to be my recommendation for a text amendment to the sign code – a 10' setback.

Commissioner Dubiel stated so if we were to pass this you'd like us to have language that says the sign set back shall be 10' from the property line. So it is miswritten here. And you are saying there is a concern with the existing legal sign with terms of obstruction.

Mr. Ostman stated yes.

Commissioner Dubiel stated do you see an obstruction issue here with this new sign, the way it's built.

Mr. Ostman stated not when it is set back 10' from the property line.

Chairman Hynes stated by being an obstruction you mean the drivers going in and out of the parking lot, pedestrians walking in traffic on Melvina.

Mr. Ostman stated that is correct. Specifically looking north on Melvina stopping ahead of the crosswalk and then being able to look down at least 100' to 200' for pedestrians on the sidewalk. Clearly 10' will work.

Commissioner Dubiel stated just going back to that; I'm looking here at this site plan. It says sheet 101 but it actually looks like the third sheet in. You don't have it up [on the overhead] Chuck but it shows the property line and they have a distance of 17' feet available. Is this as is?

Mr. Ostman stated let me get my drawing.

Commissioner Dubiel stated my question directly is that the sign, as drawn here, is 10'. It looks like it might be 8' from post to post. I'm just guessing by the scale shown here – or maybe 8-1/2'. If you have a 10' setback that would spill the sign off onto the parking lot, right?

Mr. Ostman stated that would be the applicant's responsibility to probably re-do the concrete curb a little bit to incorporate the sign so it has a 10' setback. Right now the proposed setback is 4'.

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Commissioner Dubiel stated okay, and the proponent has that understanding right now or no.

Mr. Ostman stated no.

Chairman Hynes stated are there any other questions of Chuck. [There were none.] At this point would Ms. Lam please come up? Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

Denise Lam, Executive Director, Leaning Tower YMCA, part of the YMCA Metropolitan Chicago, 6300 W. Touhy, Niles, stated I do. We are here tonight to request a Special Use permit for the installation of an electronic message board and we are asking permission to install the new sign with two single face model crown electronic message centers. The electronic message center unit dimensions are 2.9' height, 7.7' wide with four lines of copy and twenty-two characters per line with a minimum of 5.5" in height, each of the lines. Each of the electronic message board features are hybrid pixel technology and 140 degrees horizontal view. The top portion of the sign includes a double sided internal illuminated box sign which says Leaning Tower YMCA on top of it. Then the total height of the sign is 14'6". We are also requesting a variance to increase the maximum square footage of the electronic message sign. There are several reasons we are submitting the request. One is to better inform our community of the upcoming events, programs, activities and opportunities that are available in the community. Also the message board will be very visible from Touhy Ave. It would maximize our ability to fully communicate and serve our community. Also it would increase our efficiency in how and the way we communicate all the opportunities and activities in the community. Definitely it is the YMCA's mission to better serve and build strong families and strong communities. It is our commitment to not only be a part of the community but we hope that with a new message board we can better serve the community and bring the community closer together. Thank you.

Chairman Hynes stated any questions for Ms. Lam.

Commissioner Kanelos stated did you say you thought the sign would be visible from Touhy.

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Ms. Lam stated that's correct. The way it is on Melvina, it is actually coming out from the entrance looking out to Costco and Target. From Touhy if you stop at the light there is a large area to the parking lot. The sign will be very visible as people are stopping at Touhy Ave.

Commissioner Troiani stated would a recommendation made by our department head of moving it back to 10' be all right with you.

Ms. Lam stated if that is the request we definitely will accommodate.

Chairman Hynes stated any other questions of the Board. [There were none.] Does anyone in the audience have any questions of Ms. Lam?

Amelia Faxel, 7132 N. Merrimac, Chicago stepped forward.

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

Ms. Faxel stated I do. I want to thank the Village of Niles for sending me a letter and informing me of this new proposal. I'd like to ask a question. The sign you are talking about – Melvina has lights on those four corners, Melvina and Touhy. Where is this sign going to be? Is it going to be right on Melvina because it's going to obstruct those lights?

Mr. Ostman stated it is a block north of Touhy [showing the location on the overhead.]

Commissioner Dubiel stated do you see the yellow. It is right there almost to Costco. That is the rear parking lot.

Commissioner Schulter stated did you ever notice where their existing sign is. It is in that same proximity.

Ms. Faxel stated okay. That answers my question. Thank you very much. And thank you again for the courtesy of sending a letter.

Ms. Lam stated I know earlier there was a comment in terms of the recommendations from the Village regarding having the different nits.

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There is software in the electronic message board that can accommodate to either manually set it up or automatically set it up during the day with different brightness in the evening. We can definitely set it up for that.

Chairman Hynes stated it is built into the software to be able to adjust the nits. Does anyone else have any questions or comments?

Commissioner Kanelos moved that 09-ZP-12 - Ms. Denise Lam, Executive Director, YMCA, 6300 W. Touhy Ave., Niles, IL 60714 - requesting a Special Use to Article V, Section 78-217 (9) for the installation of an electronic message center and a variance to Section 78-128 (f) (1) to increase the maximum sq. ft. from the allowed 53.29 sq. ft.

to 292 sq. ft., an increase of 238.71 sq. ft. to be located near the rear entrance at 6300 W. Touhy Ave. [on Melvina] with the following recommendations: the sign setback shall be 10' from the property line for any portion of the sign up to 12' above the curb level; that the maximum setting for brightness for the electronic message center be limited to 5,000 nits during the day and 500 nits between dusk and dawn; that landscaping shall be required in the area of the sign; plans shall be submitted to the Community Development Department prior to receiving approval by the Village Board, be **approved**.

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

AYES:	6	Dimond, Hynes, Troiani, Kanelos, Schulter, Dubiel
NAYS:	0	
ABSENT:	1	Surace

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

Mr. Ostman stated this is a recommending Board also.

Chairman Hynes stated Ms. Lam, this is a recommendation we will be making to the Village Board at some future Board meeting. Talk to Mr. Ostman at some point in the future when you want it heard before the Village Board for actual final approval.

Chairman Hynes stated do I hear a motion to adjourn.

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Commissioner Dimond moved to adjourn the meeting.

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

AYES: 6 Dimond, Hynes, Troiani, Kanelos, Schuler, Dubiel

NAYS: 0

ABSENT: 1 Surace

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

The meeting adjourned at 8:43 p.m.

Kathleen Janessa, Recording Secretary