

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

September 14, 2009

Requesting approval of plat of subdivision at 8335 N. Osceola Ave., Niles, IL.

**09-ZP-14 Mr. Nicholas Black
 4849 N. Milwaukee Ave. #302
 Chicago, IL 60630**

Requesting approval of plat of subdivision at 7161 N. Milwaukee Ave., Niles, IL.

**09-ZP-15 Mr. Nicholas Black
 4849 N. Milwaukee Ave. #302
 Chicago, IL 60630**

Requesting a Special Use for the installation of two electronic message centers at 7161 N. Milwaukee Ave., Niles, IL.

**09-ZP-16 Dr. Edward E. Hernaez, M.D.
 241 Golf Mill #200
 Niles, IL 60714**

Requesting a Special Use and a variation to Section X(b)(10)(x) to reduce the number of parking spaces from the required 20 to 9 spaces for medical use at 7124 W. Touhy Ave., Niles, IL.

Chairman Hynes called for the first item on the agenda.

09-ZP-13 - Mr. Joseph Calderone, 8335 N. Osceola Ave., Niles, IL 60714 - Requesting approval of plat of subdivision at 8335 N. Osceola Ave., Niles, IL.

Charles Ostman, Director of Community Development stepped forward. This is case number 09-ZP-13. Subject property is 8335 N. Osceola Ave. Legal notice was published Thursday, August 27, 2009 in The Bugle newspaper. All property owners within 250' were also provided with the legal notice by first class mail. The petitioner is the owner of 8335 Osceola and is in the request for a Calderone subdivision. The subdivision is to consolidate two lots of records into one lot of record. The building permit for the new single family dwelling has been issued under Chapter 90-6 for the Director of Community Development providing assurance of compliance to all

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applicable ordinances. This plat has been reviewed by both the Community Development Department and Engineering Department and both recommend approval.

Chairman Hynes stated I have a question for myself. I saw the aerial photograph that was included in the package. It shows an existing home there. Is that being torn down and replaced by a new one?

Mr. Ostman stated that is correct.

Chairman Hynes stated we're not here to approve any variance etc. of construction itself but rather to consolidate the two lots that the house is on into one.

Mr. Ostman stated that is correct.

Chairman Hynes stated why do we need to do that.

Mr. Ostman stated first of all to comply with all the zoning codes. The zonings codes say that you have to have minimum side yards, rear yards and that all relates to the lot line. If you have a lot line going down the middle of the lot it's hard to comply. So that's the basic thing right there. In the future our subdivision code is being reviewed right now. This typically would be called [in the future] a minor subdivision which would just be handled administratively as long as it meets all the other ordinances.

Commissioner Dubiel stated so mainly there is nothing substantial here other than to consolidate two lots.

Mr. Ostman stated that's all it is. Right now the language is every subdivision has to go in front of plan review whether it is minor or major.

Chairman Hynes stated at this point what we are doing is making a recommendation to the Village Board.

Mr. Ostman stated that is correct.

Commissioner Schulter stated because this should have been done some years ago, correct?

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Chairman Hynes stated this will be the Board's recommendation to the Village Board for approval of the request.

Chairman Hynes called for the next item on the agenda.

09-ZP-14 - Nicholas Black, 4849 N. Milwaukee Ave. #302, Chicago, IL 60630 - Requesting approval of plat of subdivision at 7161 N. Milwaukee Ave., Niles, IL.

Charles Ostman, Director of Community Development stepped forward. He stated this is case number 09-ZP-14. Subject property is 7161 N. Milwaukee Ave. Legal notice was published Thursday, August 27, 2009 in The Bugle newspaper. All property owners within 250' were also provided with the legal notice by first class mail. Mr. Nicholas Black, the petitioner, has requested an approval of the Fountain Plaza subdivision located at the southeast corner of Milwaukee and Touhy Avenues. The request consolidates ten lots and two parcels into two lots of record. The plat of subdivision along with the declaration of covenants and restrictions and grant of easements document were reviewed in its entirety by Gewalt-Hamilton & Associates due the complexity of the plat. Thirty-one of the thirty-two comments generated by Pat Glenn of Gewalt-Hamilton & Associates have been addressed. It is noted by Gewalt-Hamilton that comment number thirty-two reflects the plat does not incorporate cross-parking rights for either lot. The absence of cross-parking easement does not prevent the approval of this plat for the reason that each lot and intended use maintains the required parking in accordance with the zoning code. This plat has been reviewed again by Gewalt-Hamilton & Associates, Community Development Department and Engineering Department and we all recommend approval.

Commissioner Troiani stated wasn't this all approved when we did the whole subdivision from Harts Road to Touhy and Milwaukee Avenues?

Mr. Ostman stated this has never been presented in front of the Plan Commission or the Village Board.

Commissioner Troiani stated I think we did approve that Harts Plaza.

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Mr. Ostman stated the Harts Plaza, which is a separate development because it's divided by Block Electric down at Harts and Milwaukee Avenue, was strictly for a variation to the parking requirements and a rear yard variation.

Commissioner Troiani stated it never went all the way to the corner?

Mr. Ostman stated no.

Chairman Hynes stated let me make sure I'm clear on this. There are basically thirteen separate parcels now consolidated into two. Again, similar to Mr. Calderone's request, that is why we are doing this. Basically for administrative purposes we now have two separate uses [I think the word uses is incorrect] but CVS is going to be taking up one lot and the mall the other lot. That's to conform all these parcels into what will actually be their building.

Mr. Ostman stated that is correct. What appears to be an out lot building, an 8,000 sq. ft. building, will occupy the other lot, the north lot.

Chairman Hynes stated in terms of the actual zoning for construction there, we don't need to do anything. This is just a consolidation of the various parcels into two lots.

Mr. Ostman stated that is correct. All the zoning requirements are met without any type of variations being required.

Commissioner Dimond stated I was noticing on one of the drawings it refers to a perpetual drive area. Can you tell me is there some significance to it being labeled perpetual drive as opposed to just a driveway?

Mr. Ostman stated perpetual means it is ongoing. That easement will always be there indefinitely.

Commissioner Dimond asked is it a dedication to the Village?

Mr. Ostman stated no, it is a dedication between the two lots. Even though the two lots are under the same ownership, the perpetual drive will benefit the other lot. Maybe one lot could be sold off at one time. It is to protect each other [lot].

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Commissioner Dimond stated I see, so each can always have access between the lots.

Mr. Ostman stated correct.

Commissioner Dubiel stated to clarify if the lots were sold off separately, neither new owner nor the old owner could say you can't drive through.

Commissioner Surace stated or park there as well.

Mr. Ostman stated that is correct. That is the only thing Gewalt-Hamilton is pointing out. CVS technically, legally, does not have the right to park on the other lot. Their customers do not have a right to park on the other side even though it appears as one entire shopping center.

Commissioner Dimond stated would it be correct to say the Village generally has [inaudible] in reducing the number of parcels in a situation like this where you have one owner taking up most of the area. Has it generally been the recommendation in a situation like this to reduce the number of parcels, the number of divisions?

Mr. Ostman stated yes. We always try to reduce the number of lots or parcels because you never know what is going to be in the future to prevent someone from taking each lot as it is now and just selling it off for whatever.

Chairman Hynes stated is there any outlet from this development [the two lots] onto Franks Ave. As I read it, it is on to Milwaukee and on to Touhy. There is no access into Franks, is there?

Mr. Ostman stated there's only three points of access. One off Milwaukee Ave. [correction – should be Touhy Ave.] as far east on the lot as you can go and then there are two on Milwaukee – one for the drive-thru for CVS and the other for the main entrance for the center.

Commissioner Troiani stated two off Milwaukee and one off of Touhy.

Mr. Ostman stated correct.

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Chairman Hynes stated does anyone have any questions of Mr. Ostman. [There were none.] Is Mr. Black or a representative here?

Mr. Ostman stated a representative is here this evening.

Matthew Andelman, Mega Properties, Inc. 4849 N. Milwaukee Ave., Suite 302, Chicago, IL 60630 stepped forward to represent the owner and developer.

Chairman Hynes stated please raise your right hand to be sworn in. Do you swear the testimony you give will be the truth, the whole truth and nothing but the truth?

Mr. Andelman stated I do.

Chairman Hynes stated the procedure we use here is you make your presentation; if you have any witnesses, introduce them, they will be sworn in and then after you make your presentation, ask the audience if anyone is there to either speak to or against the proposal. If so, they will come up and be sworn in. Well, they won't be sworn in at that point. We will ask you questions or any of your witnesses. Finally if anyone wishes to speak for or against it on their own, they will come up, be sworn in and you will have an opportunity then to make any comments you wish. Please proceed.

Mr. Andelman asked regarding the plat of subdivision?

Chairman Hynes stated yes, the consolidation of various parcels into two lots.

Commissioner Dubiel stated Mr. Chairman, before the petitioner starts, what is the relationship between CK Properties.....

Mr. Andelman stated it is a sister property, same owner. You have noticed CVS is completed and we've started construction on Fountain Plaza, the multi-tenant retail building [pointing to a detail board, along with the overhead]. It will be 8,000 sq. ft. divisible up to five spaces, each about 1,600 sq. ft. Right now CVS is open and we expect Fountain Plaza to be completed by the first of the year [2010].

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located at the southeast corner of Milwaukee and Touhy Avenues. Fountain Plaza encompasses CVS, which anticipates a grand opening soon, and I understand is open now; and an appearance of an out lot building – a separate 8,000 sq. ft. building located on the corner.

Actual ground sign was reduced in size to conform to the current sign code without any course for variations. This request encompasses two electronic message boards measuring 3'10" by 10'11" for each ground sign constructed on both Touhy Ave. and Milwaukee Ave. The electronic message board complies with the preliminary guidelines established to date by the Building and Zoning Committee. The Director of Community Development recommends approval of both electronic message boards.

Chairman Hynes stated where exactly would these two signs be located in the two lots. I had trouble picking that out [inaudible] the exact location.

Mr. Ostman stated the signs are actually constructed right now but they do not contain the electronic message centers. The one sign [shown on the overhead] is located just north of the main entrance on Milwaukee Ave. about center of the property, the whole Fountain Plaza. The other sign is located just west of the entrance on Touhy Ave. and again, both signs are already constructed and in place.

Chairman Hynes stated the existing two signs, without the electronic media, conform to the current codes.

Mr. Ostman stated yes, they do.

Chairman Hynes stated what we are going to be doing is ruling on the Special Use for the electronic portion of the signs.

Mr. Ostman stated that is correct.

Chairman Hynes asked in terms of setback from the property lines, do they conform to the current setback we decided on?

Mr. Ostman stated they do conform. The setback is a minimum of 5' from the property line. I personally went out to the location when they poured the base for both signs to make sure there was no line of sight obstruction due to the signs.

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Commissioner Troiani stated has anybody checked out if these signs are going to be bothersome to our two buildings full of senior citizens. Are

these signs going to be interfering with them with the brightness and the message board changing periodically twenty-four hours a day?

Mr. Ostman stated it is going to be similar to the sign located at the police station. There are condo units directly across the street. We've never received a complaint on that. They do have software.....

Commissioner Troiani stated that's way back near Waukegan Road.

Mr. Ostman stated the condo units are right across the street from that electronic message board. The sign contains software for automatic dimming at night time. During the day, which is really not going to be the bothersome time, it is limited to around 5,000 nits. At night it goes down to 500 nits.

Commissioner Troiani stated I'm more worried about nights.

Mr. Ostman stated the message boards of the better quality type have this software build into it.

Commissioner Troiani stated I know it is a nice sign. The problem is it going to interfere with people's living habits in those two housing developments.

Mr. Ostman stated in my opinion no.

Chairman Hynes stated so at night what you are requesting as a condition for granting this is a maximum setting for brightness limited to 5,000 nits during the day and 500 from dawn till dusk [correction: should be dusk till dawn.] It is a significant reduction. Isn't that a standard we discussed in the Building and Zoning Committee meeting?

Mr. Ostman stated yes.

Commissioner Kanelos stated I think I read in the presentation that the electronic board is not a scrolling board or anything like that. It is going to

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have a fixed sign up. The specials, for example. It is not something that is going to be changing and cause people to be distracted while they are driving to see what just went by.

Mr. Ostman stated very similar to the Walgreen's sign [at Oakton and Milwaukee.]

Chairman Hynes stated so the message will change but not with constant scrolling. It is just static letters.

Mr. Ostman stated right. There are a lot of electronic message boards throughout the village. As I already indicated, there is one at the police station, the library has one, Notre Dame has one. There are quite a few that are close by residential areas and we've never received a complaint on any of those electronic sign boards.

Commissioner Dubiel stated can you go over the sign sizes again. I didn't follow you but are they the same as we have on sheet P1.

Mr. Ostman stated no, I apologize. They submitted it with certain dimensions that were in here. We identified they were going to require a variation and it was in our staff's opinion they would not be granted a variation to go any larger because I think our sign code is very lenient to begin with. Also what they did is without any problems at all; they came back and reduced the sign to meet the current sign code. It should be ... I am going to ask the petitioner [Matt Andelman] to come up so I don't make any mistakes on that sign board. Maybe at this time we could ask the petitioner to make his presentation if there are no other questions for me. I will stand by just in case there are others.

Matthew Andelman stepped forward again.

Chairman Hynes reminded Mr. Andelman he was still under oath.

Commissioner Dubiel stated the sign as a whole on P1 shows 16' x 29'3".

Mr. Andelman stated it is now 24' tall by 13'7". I think everything else I was going to cover has already been discussed. If you have any questions I can answer them.

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Commissioner Dubiel stated I don't have any more. Chuck, could I ask you one more? Looking at the plat we've got, this would be document EX, drawing number EX, showing the signs and the parking and the

buildings location – the sign setback for Touhy side looks like its just about 6' away, is that about right from the lot line?

Mr. Ostman stated it's about 5' away. The building setback line is 5'.

Mr. Dubiel stated I'm looking at 6'6" but that's the dimension, but maybe from the building corner. How is the one determined from Milwaukee? It seems to be

Mr. Ostman stated basically they followed, as you can see, the closest building setback line. They just kept it at that distance as if that building line was carried through.

Chairman Hynes stated could someone point out where those two signs are going to be located.

Mr. Ostman is pointing to the overhead screen. This is Milwaukee. This is the main entrance going into CVS and the other 8,000 sq. ft. building. The sign is located just north of the main entrance almost at the same level as the 5' setback as it carries through here. The property line actually jogs out at this point for a little bit for some reason. Here's the one sign. The other sign is located in that island just west of that entrance on Touhy.

Commissioner Dubiel stated that the Milwaukee side property line is partially in the sidewalk.

Mr. Ostman stated yes it is.

Commissioner Dubiel stated there's no public right of way issue?

Mr. Ostman stated no.

Chairman Hynes stated Mr. Andelman, I assume you don't have any problems with the condition Mr. Ostman talked about limited the brightness

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for the sign to be 5,000 nits during the day and 500 at dawn to dusk [correction: should be dusk till dawn.] The software that controls the sign is automatically able to do that. It is not going to rely on someone manually doing it. Do you have anything further to ad?

Mr. Andelman stated I have no problem with the condition. I would like you to consider how quickly traffic moves on both Touhy and Milwaukee and it makes it very important to a large pharmacy such as CVS to have these signs.

Chairman Hynes stated are there any more questions from anyone on the Board for Mr. Andelman. [There were none.] Anyone in the audience have a question for Mr. Andelman?

Patricia Maher, 7120 N. Milwaukee Ave., Niles stepped forward. My question is regarding big red letters – CVS pharmacy, liquor, etc. There is lighting behind those letters. Are they going to stay on all night? Or do you turn those down or off at a certain point?

Chairman Hynes stated your question is not the sign that we are considering, but on the building itself, the CVS sign is illuminated on the building.

Mrs. Maher stated it is. They have individual letters – CVS – big ones, then liquor, pharmacy, etc. There is lighting behind those particular letters or maybe it is coming from underneath an eave. But it is very bright and I'm wondering if it's going to stay on all night long. That's all I want to know.

Lee Winter, Gershman Brown & Crowley, 1200 Shermer Rd., Suite 202, Northbrook, IL 60062 stepped forward. We are the developers for CVS Pharmacy in the city of Chicago and suburbs.

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

Mr. Winter stated I do. I believe there may be two different questions there. There is under canopy lighting which I think she is referring to. And there is also the individual lettering on the building which is internally illuminated. Typically the lighting for the individual letters will stay on; the under eave

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lighting will typically not go on past business hours. We are open from 7 in the morning until 10 in the evening.

Chairman Hynes stated when you say under eaves, that's just the eaves of the roof.

Mr. Winter stated under the canopy.

Chairman Hynes stated there is lighting there and then the second lighting system you are talking about are the letters themselves. The letters themselves stay on and the lighting goes off when you close.

Mr. Winter stated the canopy lighting tends to fade off toward dusk but just to answer her question directly, they are on after the store closes.

Chairman Hynes stated does anyone else on the Board have any more questions.

Commissioner Dimond stated I have a question in general in terms of these signs and signs in general. I understand these two signs are already constructed, right? They are built such that they fall within our zoning requirements. The only exception, the only Special Use, is for the electronic message board, is that correct? I was just curious [inaudible] we perhaps look at situations like this before they are built because I understand the way it's built it is small enough to fit in with the requirements of the zoning code. But perhaps there may be a situation where we would agree to the electronic message board but only if it was a smaller sign. That's my concern. I'm just concerned they are already built. At this point we have to say yes or no; we can't say yes but only if it is smaller. I'm not sure whether or not that is possible but in the future.....

Mr. Ostman stated it is possible in the future to let the petitioner know it is at their risk of having the electronic sign message board being denied because of concerns or recommendations of a smaller sign. This was particular on two reasons: it wasn't too long ago we adopted a new ordinance on making the electronic sign message boards a Special Use. Plus I believe the developer had a contractual obligation to CVS to get the signs up before they opened. So it was sort of a difficult time.

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Commissioner Dubiel stated Chuck, along those lines, this was not foreseen? They did not expect to have an electronic message sign when it was approved in 2008?

Mr. Ostman stated honestly, I think it caught them by surprise when we told them it was a Special Use now. It was adopted in June that electronic message boards were Special Use and then what happens is the sign company comes in here, applies for the permit and that is when he gets the bad news. And I'm sure that's how it happened here.

Commissioner Dubiel stated is that the case Mr. Andelman? You had expected that this would be no problem and then the ordinance was passed. I know most municipalities don't like a piecemeal approach to this.

Mr. Ostman stated this is actually the second one. The other one you already heard was for the YMCA. They had constructed the sign in the manufacturing facility and then found out it was a Special Use so right now it is a difficult time for persons coming in and asking for a permit for an electronic sign message board.

Commissioner Dubiel stated but eventually that window.....

Mr. Ostman stated it will work itself out.

Chairman Hynes stated the whole building zoning code is in the middle of being revised anyhow. It will probably be finished in another year before it is actually proposed to the Village Board.

Mr. Ostman stated right, the sign board code is in the process of being reviewed in its entirety because it is outdated. It dates back to 1965 and like the Chairman says, it will probably take a year to get a new sign code that has been approved by the Village Board.

Chairman Hynes stated any further questions. Any further questions from the audience? Anyone want to speak for or against this proposal or petition? [There were none.] Anyone want to make a motion?

Commissioner Dubiel stated I move we **approve** petition 09-ZP-15 with the following condition: the maximum settings for brightness for the electronic

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building. The building has been vacant since December, 2006. The current owner of the site took possession in January, 2008 and was granted a permit for a different use in December, 2008. That work has not been completed and the applicant of this zoning petition, if granted approval, will be

completed by the new owner to reflect the new floor plan for medical offices. The limited size of this practice seems to fit well with the size and location of this building with public transportation being readily available. The parking demand analysis identified by the Institute of Transportation Engineers indicates 3.9 spaces for every 1,000 sq. ft. of space for medical offices. This building is 2,400 sq. ft. requiring 9.4, under the ITE parking analysis. Let me make that clear. That is not the requirement under the current zoning code. The current zoning code requires 20 spaces for this size building. The ITE publication is an accepted standard for engineering developers for current parking requirements. Other medical practices of similar size operate within the Village without experiencing any parking issues. I recommend to approve with the following condition: the current practice shall be restricted from adding any additional physicians to this location.

Chairman Hynes stated let me start out with this building. It has been vacant since December, 2006. Although there has been a change in ownership, no one has occupied it.

Mr. Ostman stated that is correct.

Chairman Hynes stated am I correct, because I recall this was a law office for many years. Dadoney & Dadoney. Did they ever come in for a request for a variance on the parking restrictions or were they grandfathered in or is there anything in the record to indicate one way or the other?

Mr. Ostman stated no, when that building was built, that was the parking requirement at that time so it has been grandfathered in. We consider it a legal, non-conforming use of the property because it's insufficient in the required parking but it is legal, non-conforming.

Chairman Hynes stated in the current parking regulation of the Village, does it differentiate between different types of businesses or is it pretty much straight across the board - so many spaces per square feet.

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Mr. Ostman stated for medical offices, it's based on per examining room. I believe it is two parking spaces per examining room. What I do as the Director, since some of our parking requirements and some of the language in our zoning code dates back to 1965 and has not been

updated, I refer to this ITE publication sometimes to see if the Village of Niles is in line in their requirements. That's why I state the reference of ITE publication in here.

Chairman Hynes stated as I look at the attachment to the petition here, there are eight examining rooms. That would require sixteen plus.

Mr. Ostman stated plus there is additional, that would get you towards twenty.

Commissioner Dubiel stated what was the reasoning behind that original code. Do we know why they came up with twenty versus something else?

Mr. Ostman stated no.

Chairman Hynes stated you say there are other medical practices in the Village that have received variances similar to this.

Mr. Ostman stated no. I have to say there are other medical practices in Village that are operating their offices with the same ratio of parking spaces. This change in ordinance was done about four to five years ago. Because of our concern of having multiple physicians inside the offices and creating a parking concern, that's why I made this recommendation to limit this practice to the husband and wife practicing. This is really going to be the first request I recall for a parking variation for a medical office.

Commissioner Dimond stated in the letter the applicants have prepared here they say they are planning on putting the parking in front of the building which would actually increase the number of parking spots. So you are recommending approval with the nine existing parking spots. Is it even possible for them to put parking in the front of the building?

Mr. Ostman stated there is. The petitioner here will probably expand on this. I think their intention is to put a handicapped parking space in the front. So they are going to add one parking space. I have been out at that site and

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there is enough room and we are going to ask the petitioner when he does put in that parking space that he has additional landscaping.

Commissioner Dimond stated whoever parks in front is not going to have to back up onto Touhy Ave. are they?

Mr. Ostman stated no.

Commissioner Dubiel stated Karen [Commissioner Dimond] if you look at the attachment we have here, A11, it shows site improvement on Section 812 and you'll see there's a handicapped parking spot there that the Hernaezes plan to put in. Is that been approved yet Chuck, this particular plan?

Mr. Ostman stated it doesn't get approved until it goes – I don't even know if it is going through plan review. Is it?

Mr. Richard Wlodarski, Assistant Director of Community Development stated yes, it is the process of going through. We are just holding off final approval.

Mr. Ostman stated Mr. Wlodarski has indicated to me it is going through plan review. Just to sort of expedite the process for the applicant; but the applicant still knowing that nothing is approved until it is approved by a recommendation by this Board and final approval by the Village Board. This is at their own risk to do a final review at this point.

Commissioner Dubiel stated and your expectation, Rich & Chuck, is that this will be your recommendation to approve this parking spot in front?

Mr. Ostman added with landscaping.

Commissioner Dubiel stated thank you.

Chairman Hynes stated based on the requirements for handicapped parking spaces, how many would they reasonably be able to get in front there, one or two.

Mr. Ostman stated I believe just one.

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Chairman Hynes stated any other questions for Mr. Ostman. [There were none.] Is the petitioner present?

Dr. Edward E. Hernaez, M.D., 241 Golf Mill #200, Niles, IL 60714 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?

Dr. Hernaez stated I do.

Chairman Hynes stated let me just state this up front here. This is a request of the Zoning Appeals Board to reduce the number of required parking spaces from twenty to nine. As I see the drawings that were submitted, there are nine existing spaces so it would probably be ten with the handicapped one in the front, is that a probability, Chuck?

Dr. Hernaez stated I believe there will be four or five in the front.

Mr. Ostman stated no, there's only room for one and it has been depicted in the drawing that has been submitted.

Chairman Hynes stated so it will be twenty to ten. And the twenty spaces are derived out of the current zoning requirements that for each examining room in a medical facility they are required to have 2.5 parking spaces allocated for that so in your case, it would be twenty.

Dr. Hernaez stated basically I know there are eight examining rooms there. But we are going to be using probably about three or four examining rooms, to tell you honestly. So basically the only reason I asked the previous owner to put in like eight examining rooms is in order if the other examining room is non-functional. Let's say there is something wrong with the sink or the lighting, and then they can do the others.

Chairman Hynes stated how many patients will you typically have in your practice on an hourly basis.

Dr. Hernaez stated every fifteen minutes we have one patient. So me and my wife probably in one hour [but we don't have walk-in patients – we have by

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appointment only] so in an hour we have at least eight patients at the most, unless they cancel or were not able to come.

Commissioner Kanelos stated how many staff members do you have.

Dr. Hernaez stated we have one receptionist and two medical assistants.

Commissioner Kanelos stated so both physicians will be there at the same time keeping the same hours.

Dr. Hernaez stated one of the doctors will work four days a week and the other one is five days a week.

Commissioner Kanelos stated is it safe to assume a minimum of four spaces will be required for staff. And your hours are?

Dr. Hernaez stated we are open Monday through Friday 9 to 6 and Saturday 9 to 2. We are closed on Sunday and holidays.

Commissioner Kanelos stated so four staff will leave six spots for patients.

Dr. Hernaez stated me and my wife use only one car. My receptionist, unfortunately, does not have a car. He has to use the bus. And the other medical assistant doesn't have a car. So it's only the other one [medical assistant] who has one car. Basically it is going to be two cars parked in there every day.

Commissioner Kanelos stated do you have sick hours or anything like that or is everything always by appointment.

Dr. Hernaez stated always by appointment.

Commissioner Kanelos stated how many examining rooms do you currently have in the location where you are now.

Dr. Hernaez stated we have actually five examining rooms.

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Commissioner Kanelos stated speaking from experience are they using approximately three to four of the rooms. Is that what you currently do now, of the five rooms you use typically four rooms?

Dr. Hernaez stated because it's all appointment, I know I used to work in a hospital or clinic, that ten or twenty patients come at one time; in our office we don't do that.

Commissioner Kanelos stated what type of practice is it.

Dr. Hernaez stated I am a family practitioner and my wife is a pediatrician.

Commissioner Troiani stated do you think your current practices you have, without increasing now, is nine to ten parking spaces that are tight back there - you've got to swing in to park and everything - is going to be adequate to run your business. There's no other parking lot you can use there.

Dr. Hernaez stated as long as I know sir. Because unfortunately all our patients don't have cars. That's why I picked that place because they can ride the bus and walk to my office. I hope everybody could have a car because most of the time they are going to be dropped by their daughter or their son or the parents or something like that. And they don't usually park.

Mr. Ostman stated I'd like to comment. If you notice the previous owner's sign on the building showed five different businesses in there and does not require it to come in front of the Planning Commission; by right he is able to put five different businesses in there with just the nine parking spaces.

Commissioner Troiani stated but he sold the building because it was too small.

Mr. Ostman stated I don't know why he sold the building. I don't believe it was too small. I think this use here really fits better than what was going to be proposed there without coming in front of this Board.

Commissioner Troiani stated that's in your estimation, Chuck, but I have news for you. If you take this swine flu problem they have right now, and you

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have five people waiting outside and used up all your parking spaces already before you get there at 8:30 in the morning, I just think this is the wrong piece of property on Touhy Ave. because people are

going to have to try and get in there, they are going to be slowing down, it's going to be dangerous. It's my personal opinion. I can say that, right Joe? It does add to the fact.

[Inaudible – Village Attorney Joseph Annunzio possibly stated no you can't because it doesn't add to the fact.]

Commissioner Kanelos stated are you in agreement with the stipulation recommended by Mr. Ostman that the current practice be restricted from adding any more physicians.

Dr. Hernaez stated I agree.

Commissioner Kanelos stated your current location – is it a hardship situation that you are moving? Is this going to serve your patients better? What is the reason behind the move?

Dr. Hernaez stated I think it is going to be better. I don't know if some of you went to Golf Mill, especially when they built the new humongous theatre there. Most of my patients have to park all the way near by Greenwood St. or sometimes they go around in front of J.C. Penney. For me also it is inconvenient because when I go there, it's not like when we are in the hospital, we have our own parking space. In there you have to find wherever you can get one. Basically you have to walk. Not like four or five years ago before the big Showplace Theatre was there when it was so easy to park in that area. Now you can go and take a look at it. The only thing it is probably empty during holidays, but even holidays there's a lot of people going there to watch the movie.

Commissioner Dubiel stated Mr. Chairman, I think with the petitioner's medical experience, he obviously has his patients' best interests in mind. The lot appears to be very close in terms parking from my view. There's room for his medical waste and additional waste there.... a successful businessman.

Chairman Hynes stated let's ask a question. How do you handle the medical waste, the red bag waste in your practice?

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Dr. Hernaez stated for the past seven years we have a company who comes and picks up the waste products every week. We have to pay for them. And we have all the hazard boxes they have to come to pick up.

Chairman Hynes stated so any waste that is going out is basic garbage, not medical waste.

Dr. Hernaez stated oh no, the general garbage is entirely different. There's a company for the hazard things, needles and everything.

Chairman Hynes stated any other questions from the members of the Board.

Commissioner Kanelos stated the reason you want eight is in case some of the rooms are down. You don't think that eight is a little overkill.

Dr. Hernaez stated we as the physicians always go for the reserve. We don't want to run a code blue without anything – you know what I mean. You always prepare for the worst.

Chairman Hynes stated in your current practice you said you have five or six examining rooms.

Dr. Hernaez stated yes.

Chairman Hynes stated any other questions from anyone on the Board.

Anyone in the audience have any questions for Dr. Hernaez? [There were none.] Anything further sir?

Dr. Hernaez stated no.

Chairman Hynes stated can I hear a motion.

Commissioner Dimond move that 09-ZP-16 - Dr. Edward E. Hernaez, M.D., 241 Golf Mill #200, Niles, IL 60714 - Requesting a Special Use and a variation to Section X(b)(10)(x) to reduce the number of parking spaces from

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the required 20 to 9 spaces for medical use at 7124 W. Touhy Ave., Niles, IL. with the condition that the practice should be restricted from adding any additional physicians to this location. That is

no additional physicians should practice there other than Dr. Edward Hernaez and Dr. Nita Hernaez at that location. I move this matter be **approved**.

Commissioner Surace seconded the condition.

Commissioner Dubiel stated does it have to be those two or any two doctors.

Commissioner Dimond stated I would amend the motion to say any two physicians.

Commissioner Dubiel stated thank you. I'll second that.

Commissioner Troiani stated it was already seconded by Commissioner Surace.

Commissioner Dubiel stated it has been amended.

Chairman Hynes stated I have one further comment. I know this property has been vacant for a while. There was a potential for another

business in there with the five different businesses. I think in terms of commercial viability in that area, this would be an enhancement. Motion has been moved and seconded.

Commissioner Kanelos stated can I hear the motion again, Mr. Chairman.

Chairman Hynes stated the motion was to **approve** the requested Special Use with the condition that the current practice be restricted to only two physicians at this location.

On roll call the vote was:

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

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Kathleen Janessa, Recording Secretary