

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:00 P.M.

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

Present along with Chairman Thomas Kanelos and Village Attorney Joseph Annunzio were Vice-Chairman Karen Dimond, Commissioners Thomas Surace, Barbara Nakanishi, Robert Schulter and Morgan Dubiel. Also present was Charles Ostman, Director of Community Development and Richard Wlodarski, Assistant Director of Community Development. Commissioner Angelo Troiani was absent.

Chairman Kanelos stated the Board wishes Commissioner Troiani a speedy recovery as he is recovering from a broken arm. He appointed Vice-Chairman Dimond Acting Secretary for this evening's meeting. He asked for any corrections, additions or clarifications to the minutes of the March 1, 2010 meeting. There were three spelling corrections. He made a motion to approve the "as corrected" minutes. Commissioner Dubiel moved to **approve**.

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

AYES: 6 Dubiel, Schulter, Nakanishi, Surace, Kanelos, Dimond

NAYS: 0

ABSENT: 1 Troiani

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

Chairman Kanelos announced the minutes from the February 1, 2010 which was a seminar have been prepared but not distributed. He entertained a motion to table those minutes until the May meeting. Vice-Chairman Dimond moved to **table** the February minutes until May. Seconded by Commissioner Dubiel, on roll call the vote was:

AYES: 6 Dubiel, Schulter, Nakanishi, Surace, Kanelos, Dimond

NAYS: 0

ABSENT: 1 Troiani

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

Chairman Kanelos announced that it has been the practice of the Board that any members desiring to review the upcoming matters on the agenda would meet with Mr. Charles Ostman, Director of Community Development, and Mr. Richard Wlodarski, Assistant Director of Community Development, on

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

the day of the hearing at 1:30 P.M. The purpose of this meeting is to review the sites and the surrounding environment to ascertain conditions which may require special consideration at the subject hearing. Anyone wishing to accompany the members is invited to meet at the Administration Building, 1000 Civic Center Drive, Niles, Illinois, prior to 1:30 P.M. They will be given the agenda and the locations of the sites to be visited. This public announcement is made to conform with the Open Meetings Act of the State of Illinois and is deemed to be a public notice.

OLD BUSINESS

None

NEW BUSINESS

10-ZP-05 Mr. Chad Gargrave, agent
Clearwire LLC
7600 S. County Line Rd.
Burr Ridge, IL 60527

Requesting a Special Use to Section IX(B)(2)(d) to install three microwave backhaul dish antennas on an existing monopole cell tower at 7007 N. Austin Ave., Niles, IL 60714.

10-ZP-06 Mr. John Capalnas, owner
7777 N. Caldwell Avenue
Niles, IL 60714

Requesting approval of a Special Use to V. Section 78-217(9) for the installation of an electronic message center at 7777 N. Caldwell Ave., Niles, IL 60714.

10-ZP-07 Atul Karkhanis, president
Atul Karkhanis Architects, Ltd.
2514 W. Peterson Ave.
Chicago, IL 60659

Requesting approval of a Special Use to Appendix B Section VIII (B)(3)(z) for a full service restaurant and food carryout store at 8600 W. Golf Rd. #500, Niles, IL 60714.

Chairman Kanelos called for the first item on the agenda.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

10-ZP-05 Mr. Chad Gargrave, agent
Clearwire LLC
7600 S. County Line Rd.
Burr Ridge, IL 60527

Requesting a Special Use to Section IX(B)(2)(d) to install three microwave backhaul dish antennas on an existing monopole cell tower at 7007 N. Austin Ave., Niles, IL 60714.

Mr. Wlodarski came to the podium to summarize this case. Legal notice was published in The Bugle Newspaper on March 18, 2010. All parties or properties within 250' have been notified. This request is for three dish antennas to be installed on the existing Sprint equipment located on the tower. This was reviewed by Municipal Service Associates, a consultant for the Village of Niles for communication systems. MSA has recommended approval for this installation. The Community Development Department has reviewed this request and has no objections. This Board is recommending board to the Board of Trustees.

There were no questions from the Commissioners or the public.

Chad Gargrave, agent for Clearwire LLC stepped forward and was sworn in. He stated this is a similar case to the one that was heard last month regarding the site at the municipal building on Touhy. This site is at the American Automotive Warehouse facility shown on the overhead projector. It is an existing 100' monopole with the Sprint antennas at the top. The Clearwire and microwave antennas attach just above the Sprint antennas on the same mounts. There are two other carriers besides Sprint existing there.

Chairman Kanelos stated he would like the packet the Board was given be entered as Exhibit I.

Commissioner Schulter has a concern that the structure of the pole is also being modified. Is it for aesthetic reasons?

Mr. Gargrave answered it is for the twist and sway of the poles. It has to be a direct line of site. It has to transmit directly to another tower that has a microwave. If not secure the signal can be interrupted; therefore they strengthen the tower to minimize loss of data.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

Chairman Kanelos asked if other Commissioners had any questions. There were none. There were no questions from the public either. He entertained a motion. Commissioner Dubiel moved to **approve** this motion as a Special Use of Section IX (B)(2)(d) to install three microwave backhaul dish antennas on an existing monopole cell tower at 7007 N. Austin Ave., Niles, IL 60714. We have placed into the record Exhibit I as well as the comments heard tonight deeming it is necessary for the public convenience at this particular location; it is designed, located and proposed to be operated such that the public's health, safety and welfare will be protected and also that it will not cause substantial injury to the value of other property in the neighborhood in which it is located under no other conditions.

Seconded by Vice-Chairman Dimond, on roll call the vote was:

AYES: 6 Dubiel, Schuler, Nakanishi, Surace, Kanelos, Dimond

NAYS: 0

ABSENT: 1 Troiani

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

Chairman Kanelos called for the next item on the agenda.

10-ZP-06 Mr. John Capalnas, owner
7777 N. Caldwell Avenue
Niles, IL 60714

Requesting approval of a Special Use to V. Section 78-217(9) for the installation of an electronic message center at 7777 N. Caldwell Ave., Niles, IL 60714.

Mr. Wlodarski came to the podium to summarize this case. Legal notice was published in The Bugle Newspaper on March 18, 2010. All parties or properties within 250' have been notified. The sign has been approved but not yet built. If approved the electronic portion of the sign will be incorporated within the new pylon sign. The Community Development Department has reviewed this request and has no objections. Once again this Board is a recommending board to the Board of Trustees.

Commissioner Dubiel said it is stated in the following "conditions" of the packet, the text shall be uniform in monochrome. Since this is not a word in the English dictionary should we call it monochrome to make clear it's supposed to be a single color?

Mr. Wlodarski said they researched and that is what they decided.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

Mr. Ostman added that the word monocolor is a term used in the industry.

Commissioner Nakanishi noted the page in her packet that shows the sign has no page number on it. But it shows what the sign will look like along with the dimensions of different items on it. If you look at the dimension along the right side there is a number missing. She said it is difficult to tell if that sign is going to be 20' 9" high or 100'. There is another picture of the sign in the information packet but there are no dimensions on it.

Mr. Wlodarski stated this sign has already been approved and a permit issued. If those numbers are incorrect, that may be what was submitted for a Special Use portion. That was more for reference of what the sign will look like. He is comfortable the approval meets all the zoning requirements.

Commissioner Nakanishi said she knows the Village is working on a Comprehensive Plan regarding signs of the future. The library and Culver School have put up LED signs. Before the Village puts up a thousand of these signs, they might want to think about it. For her personally these signs add to the visual pollution along with a traffic hazard.

Mr. Wlodarski answered that is what the Building and Zoning Commission is looking into with a sign consultant. They are making final determinations of what is and is not going to be allowed in the future. Until then they will continue to be Special Uses.

Commissioner Schulter asked if the sign will be located on private property, not on the utility easement portion of the property.

Mr. Wlodarski responded yes, it will be on private property.

Chairman Kanelos asked for other questions from the Board or the public. There were none.

The petitioner, John Capalnas, stepped to the podium and was sworn in. He feels the sign will help the company improve sales since the building is set back quite a bit from the street.

Vice-Chairman Dimond said she sees 60' written in the information of the

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

packet. What does the 60' refer to? And there is another sign that is going to be removed, correct?

Mr. Capalnas said yes, the other sign will be removed.

Mr. Ostman noted the 60' is what determines the height of the sign. If you take the distance to the center of the road, divide it by 2, that is the maximum height of the sign that is permitted. So the maximum height of this sign is 30'.

Commissioner Dubiel addressed Mr. Capalnas. You said this would benefit the public to better help find shops in your building. You passed through zoning so there are no safety concerns for health, safety or welfare concerns. You own the entire property from end to end. Do you think the sign would offend the neighbors?

Mr. Capalnas stated yes to the first two issues. On the last question he said the building is far enough away from the neighbors so it would not cause any inconvenience.

Commissioner Dubiel asked the Chair to allow the packet given for this application to be read into the record as Exhibit I.

Chairman Kanelos stated yes. He also wants to be clear regarding the height of the sign. That has already been approved by the Village and even though he may not agree, it is not for this Board's concern tonight.

Commissioner Dubiel said Commissioner Nakanishi mentioned some important issues and that the Village as a whole should be concerned about this type of sign.

Vice-Chairman Dimond addressed Mr. Capalnas and said there has been a recommendation that we approve this with certain conditions. Those conditions are that it has to have an automatic dimmer, solar sensors to control brightness for nighttime viewing. Do you object to putting those on the sign? The message board shall not have any flashing, scintilla-ting, chasing or animated lights or animated pictures. You can only use one color on the sign.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

Mr. Capalnas said he would abide by all conditions.

Chairman Kanelos asked why this sign is necessary for the public convenience at this location.

Mr. Capalnas answered they do have a nice 20,000 sq. ft. showroom, one of the nicest flooring showrooms in Illinois. Most neighbors that walk into the store didn't know this nice of a store is located there. You can't see much because the windows are far from the street. The sign will help. There are no competitors close that are of that size. People passing by still think the building is industrial or like the Kraft building used to be.

Commissioner Dimond asked Messrs. Ostman and Wlodarski a question regarding the location of the sign. It is commercial property along Caldwell but is there any residential property that would be affected.

Mr. Ostman answered not at all.

Commissioner Nakanishi asked if the sign would be illuminated twenty-four hours. If so, she would probably see it from her house.

Mr. Capalnas said yes.

Commissioner Dubiel said the nits (brightness) go down at night. This is stated in the packet.

Chairman Kanelos asked if there were any other questions from the Commissioners or from the public. There were none. He entertained a motion.

Vice-Chairman Dimond made a motion with several conditions. First, the messages on the sign be provided with an automatic dimmer to control brightness for nighttime viewing; lighting from the message center shall not exceed a maximum of 5,000 nits during daylight hours and 500 nits between dusk and dawn. Another condition is the messages shall not consist of flashing, scintillating, chasing or animated lights including animated pictorial graphics. Finally, the text shall be uniform and in monochrome or in other words, in a single color. She made this motion along with the suggestion we find this Special Use is necessary for public convenience and it will enable the public to find this facility. Also, the sign should be designed

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

and located so the public's health, safety and welfare will be protected. We already know it is going to be located farther from the street and we also

know, based on the motion being made, that the nits (brightness) will be decreased at night so not to annoy people who may see it from their homes. She said we also have to find it will not cause substantial injury to the value of other property in the neighborhood in that the other neighborhood properties are also commercial and unlikely to be negatively affected by the sign. Therefore she made the motion that the Board **approve** the Special Use with those conditions and findings.

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

AYES: 6 Dubiel, Schuler, Nakanishi, Surace, Kanelos, Dimond

NAYS: 0

ABSENT: 1 Troiani

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

Chairman Kanelos called for the final item on the agenda.

10-ZP-07 Atul Karkhanis, president
Atul Karkhanis Architects, Ltd.
2514 W. Peterson Ave.
Chicago, IL 60659

Requesting approval of a Special Use to Appendix B Section VIII (B)(3)(z) for a full service restaurant and food carryout store at 8600 W. Golf Rd. #500, Niles, IL 60714.

Mr. Wlodarski returned to the podium to summarize this case. Legal notice was published in The Bugle Newspaper on March 18, 2010. Letters were mailed out to all properties within 250' of the subject property. This Special Use request is to open a Papa John's Pizza restaurant. It will be strictly a carry-out only along with deliveries. The name of the strip center is Shops on Golf. It has been reviewed by the Community Development Department and there are no parking issues. There will actually be eight extra spaces available per the zoning ordinance if this is approved. Community Development has no objections to this request. Once again this Board is a recommending board to the Board of Trustees.

Commissioner Dubiel mentioned that previously there was a Giordano's Pizza in this mall. Is this the same type of restaurant?

Mr. Wlodarski said that Giordano's was a sit-down family restaurant that took up two or three spaces located in that strip center.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

Commissioner Dubiel reiterated this is just carry-out and delivery. Are there enough spaces for delivery vehicles?

Mr. Wlodarski answered according to the petitioner (and he will explain his operation) there is sufficient space for vehicles. There is no concern for space for vehicles.

Commissioner Schulter said the description is full-service restaurant. Doesn't that mean people will be eating inside? The fire chief has no concerns regarding delivery vehicles parked in front of the store in the way of emergency vehicles, is that correct?

Mr. Wlodarski said that is the way it is worded in the ordinance but this specific restaurant is not going to be full service. It is going to be carry-out and delivery only. The delivery vehicles won't be able to park in the fire lane; they have to park in a parking place.

Commissioner Nakanishi noticed there is only one toilet room there. Is there no requirement for two?

Mr. Wlodarski answered it does meet the state plumbing code.

Commissioner Dubiel clarified Commissioner Schulter's question. The waiting area looks like there is no room for interior seating, is that correct?

Mr. Wlodarski stated correct.

Chairman Kanelos asked if there were other questions from the Board or the public. There were none. At that time he asked the petitioner to step forward.

Ani Tipnis, representative for Atul Karkhanis Architects, Ltd., was sworn in. Standing at the podium with him was Howard E. Pattis, president of Pinnacle Real Estate, Inc., landlord of the center. Mr. Tipnis said the franchisee operates about thirty Papa John's restaurants in six states. They want to come into the northern Chicago area, such as Niles, Waukegan and Evanston. They want to reach people with a household income of

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

April 5, 2010

approximately \$90,000 which equals roughly 350,000 people over a five mile radius. The peak hours would be from 4:30 to 7:30 p.m. daily but they would

be open for delivery and carryout until 1:00 a.m. daily. There would not be more than five employees at any given time in the store.

Commissioner Dubiel requested the packet given to the Board be admitted to the record as Exhibit I for this application. He asked Mr. Tipnis if he expected to meet any health, safety and welfare code issues. Since this is already a mall and the restaurant is replacing a former pizza place it does not affect the property or location negatively, correct?

Mr. Tipnis said his company submitted the drawings last week and yes, they plan to meet all code issues and no, it does not negatively affect the property.

Vice-Chairman Dimond asked if there is a difference in the parking requirements for a carryout restaurant versus a sit down restaurant.

Mr. Wlodarski replied for a carryout, parking is one for every 100 sq. ft. of floor area; for a sit down type of restaurant it goes by the amount of seats. They exceed the amount of parking required.

Chairman Kanelos asked if there were any more questions from the Commissioners or the public. There were none. He entertained a motion.

Commissioner Dubiel moved that the Board **approve** the Special Use because it has met the standards for Special Use. Both statements have been read into the record as well as Exhibit I. It has been established it is necessary for the public convenience; it is designed, located and proposed to be operated as such that the public's health, safety and welfare will be protected; and it will not cause substantial injury to the value of other property in the neighborhood where it is located.

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

AYES: 6 Dubiel, Schuler, Nakanishi, Kanelos, Surace, Dimond

NAYS: 0

ABSENT: 1 Troiani

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

At this time, Chairman Kanelos entertained a motion to adjourn.

Vice-Chairman Dimond moved to adjourn.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
April 5, 2010

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

AYES: 6 Dubiel, Schuler, Nakanishi, Kanelos, Surace, Dimond

NAYS: 0

ABSENT: 1 Troiani

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

The meeting adjourned at 7:40 p.m.

Kathleen Janessa, Recording Secretary