

VILLAGE OF NILES

1000 Civic Center Drive
Niles, IL 60714
www.vniles.com



Approved Meeting Minutes

Monday, March 7, 2016

7:00 PM

Village Hall

Plan Commission and Zoning Board of Appeals

Chairman

Thomas Kanelos

Members

Susan DeBartolo

Morgan Dubiel

Ted Karabatsos

Barbara Nakanishi

Robert Schuller

Angelo Troiani

Staff Liaison Bruce Sylvester

CALL TO ORDER/ROLL CALL

The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:00 P.M. All rose for the Pledge of Allegiance.

PRESENT: 7 Chairman Thomas Kanelos, Commissioners Ted Karabatsos, Susan DeBartolo, Angelo Troiani, Barbara Nakanishi, Robert Schuller, Morgan Dubiel

ABSENT: 0

Also present was Director of Community Development Charles Ostman, Senior Planner Bruce Sylvester and Village Attorney Joseph Annunzio.

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of February 1, 2016. There were none. Commissioner Nakanishi moved to **approve** the minutes of February 1, 2016. Seconded by Commissioner DeBartolo, on roll call the vote was:

AYES: 7 Nakanishi, Schuller, Dubiel, Karabatsos,
DeBartolo, Troiani, Kanelos

NAYS: 0

There being seven (7) affirmative votes the motion carried.

OLD BUSINESS

16-ZP-5 Continue d discussion of a request for as special use permit to allow a 'Business whose primary activity is the sale of tobacco products' per Village Ordinance Appendix B, Sections VIII(B)(3)(hh) and VIII(C)(3)(a) at 7017 Milwaukee Avenue, Niles.

NEW BUSINESS

16-ZP-6 Requesting approval of a special use permit to allow 'outdoor storage of equipment' per Village Ordinance Appendix B, Section IX(B)(2)(c) at 5757 Howard Street, Niles.

16-ZP-7 Requesting approval of a special use permit to allow a new 'public storage' facility per Village Ordinance

**Appendix B, Section IX(B)(2)(f) at 7449 Natchez Avenue,
Niles.**

**16-ZP-8 Requesting approval of a special use permit to allow a
new restaurant per Village Ordinance App endix B,
Section VIII(B)(3)(z) at 8608 Golf Road, Niles.**

**16-ZP-9 Requesting approval of a special use permit to allow a
building addition and expanded vehicle maintenance
services per Village Ordinance Appendix B, Sections
VIII(B)(3)(m) and VIII(C)(3)(a) at 9401 Milwaukee
Avenue, Niles.**

DISCUSSIONS

- 1. Continued discussion of Staff memo for proposed garage size
language for new zoning ordinance**
- 2. Announcement of dates for Plan Commission trainings: March
21 and April 18, 2016**
- 3. Discuss date for public hearing for proposed new zoning and
subdivision ordinance: May 23, 2016**

ADJOURNMENT

Chairman Kanelos called for the first item on the agenda tonight.

**16-ZP-5 Continued discussion of a request for a special use
permit to allow a 'Business whose primary activity is the
sale of tobacco products' per Village Ordinance Appendix B,
Sections VIII(B)(3)(hh) and VIII(C)(3)(a) at 7017
Milwaukee Avenue, Niles.**

Bruce Sylvester presented this case. This item was on the agenda at last month's meeting and was presented to the Village Board of Trustees at their February meeting. The Board of Trustees sent it back to this Board as they are looking for reasons for a vote. There is a cover memo in the packet that summarizes this case to date. There is a copy of Staff report from last month's meeting and an aerial photo of Harts Plaza where this business is proposed to be located. There is also a memo from attorneys the Village uses at times regarding Special use requests. It provides an overview of the laws pertaining to Special uses. Hopefully it will help guide this Board through

the Special use request for this item. Once again, the Board of Trustees is looking for reasons behind the vote.

Chairman Kanelos asked Village Attorney Joseph Annunzio to explain the criteria this Board uses.

Mr. Annunzio said if a particular Special use is deemed appropriate in a particular zoning district, the question as to whether that particular business should be in that zoning district is a question that is already asked and answered. The Village Board has already decided that particular business can be in that zoning district. What this Board is determining tonight is whether that particular location the business is choosing for their business within that district meets the three criteria as listed. It is really important that when the Board asks questions, make sure those questions meet the three criteria and nothing else because nothing else is important. You have to give the petitioner the opportunity to show those standards are being met.

Chairman Kanelos asked if the petitioner has to meet one or two of the three or all three. If one of three is not met, that would justify a no vote.

Mr. Annunzio said when you are looking at standards of uses, subjectivity is involved. But as long as you're not acting arbitrary

Chairman Kanelos asked if that was clear to everyone [the Board]. If a memo states something is listed as a permitted use, it is not up for discussion. What is up for discussion is if that specific location for it within that zoning district is acceptable. That's what we will discuss tonight.

Commissioner Troiani asked of Mr. Annunzio - what if one thinks that program should not be permitted in any district.

Mr. Annunzio stated you're not being asked that. You base your vote on the three standards. It's not whether or not you like the business but whether the standards are met.

Chairman Kanelos said if we think a particular business shouldn't be in any district, that is something the Trustees would have to pass an ordinance on or take it out of an ordinance.

Mr. Annunzio said you will make a recommendation based on the fact you find out tonight. The Board of Trustees can't do the fact finding. All they have to work on is what is generated from this Zoning Board.

Chairman Kanelos then asked the Board to be specific in their questions. He called for the petitioner to come forward and be sworn in.

Petitioner Tony Chiba, 9294 Home Terrace, Des Plaines, IL 60016 had nothing else to add.

Commissioner Dubiel asked if he could explain why this business is necessary for the public convenience at this particular location.

Mr. Chiba wasn't understanding what he was being asked.

Chairman Kanelos said the Board isn't asking why you are opening at this location. They are asking why is it necessary for the public convenience at this location.

Mr. Chiba said he has one location at the north end of Niles and now wants a second location at the south end of Niles. There is no smoke shop around there if someone wants to get tobacco or tobacco products. At CVS nearby they don't sell tobacco products anymore.

Commissioner Dubiel said there is a gas station nearby that sells tobacco. Are you saying it is inconvenient to go to the gas station to get tobacco products?

Mr. Chiba said that is past his proposed location. He is closer to Touhy. And the gas station doesn't carry everything or sell everything a smoke shop sells.

Chairman Kanelos said there are three specific vape shops in a two mile radius of where we are now [at the Village Hall at Oakton and Waukegan]. One in Niles, one in Morton Grove on Dempster and one on Oakton in Skokie. Where is the shortage of products and the inconvenience to the citizens?

Mr. Chiba said people don't want to drive two miles for vape. If you go to Chicago every three blocks is a vape shop. He feels driving a couple of miles is not reasonable for customers.

Chairman Kanelos asked what percentage of business is actual tobacco, what percentage is vape and pipes.

Mr. Chiba said almost 50% vape; 20% tobacco; another 20% hookah tobacco. He said you can go to the website and see he doesn't sell the pipes. You look at the picture and can see even after a year, the same pipes are there.

Commissioner Dubiel asked Mr. Sylvester to show the website [Smoke & Vape Shop] on the overhead for all to see.

Chairman Kanelos said there are many other shops that sell pipes, etc. that are not vape shops.

Commissioner DeBartolo asked if, at the new location, is there something desirable for people to drive in and out for.

Mr. Chiba said Milwaukee Avenue is a very busy street and people can just turn into the strip center to buy products. It is easy to get in and out. The owners want to extend the plaza almost all the way to Touhy Avenue.

The website of his existing location is now on the overhead and the Commissioners are all describing what they see. Mr. Chiba is saying the glass cabinets filled with pipes around the perimeter of the store are showcases. He explained what products are not at this store anymore as the website is a year old.

Commissioner Dubiel asked why does he carry Clorox bleach.

Mr. Chiba explained it is a stash can for valuables.

Commissioner Dubiel said he would like to pass this but with conditions.

Commissioner Troiani asked what kind of cigars he sells. And where do you smoke them at the store?

Mr. Chiba said you cannot smoke inside an attached building.

Chairman Kanelos explained to Commissioner Troiani that it is illegal to smoke in a store that is attached to another store. If this were a free standing building, it would be legal to smoke there. He then asked Mr. Chiba to share how it is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

Mr. Chiba said he has all the signage in the store; he asks for identification when people come to the register to purchase things; he doesn't carry anything illegal, Whatever you require, he will do.

Commissioner DeBartolo asked if he will have security cameras in his shop. And would the authorities be able to view those films to see who is coming and going.

Mr. Chiba said yes and he has cameras at his existing store. That is how they caught someone stealing.

Commissioner Dubiel said there are some Yelp comments on line he would like to view on the overhead screen. One says they allow underage kids in the shop; another said teens can get in as long as they don't tell anyone about it.

Mr. Chiba said this website is Yelp! and everyone can write what they want. Teenagers know they are not supposed to walk in. All we can do is check the identification. The kids cannot enter - there is a sign on the door. But sometime

the staff is busy or look away, then they see someone who they think is young - we approach them and ask to see an i.d. We ask them to leave if they have no proof. If we say we are going to call the police, then they run out.

Commissioner Karabatsos asked Mr. Sylvester if there was anything in place in Niles regarding underage purchasing in tobacco shops.

Mr. Ostman said it used to be done through the Police Department but he doesn't know if anything else is in place regarding tobacco sales.

Mr. Annunzio said they only get fined.

Commissioner DeBartolo asked if at his other location he has had children outside; maybe they send in their 18 year old friends to buy something for them. Do they hang around outside?

Mr. Chiba they don't hang out around his business because it is in a center and not free standing. There are other stores and there is nowhere to hang. Generally people have to drive to his shop; they are not walking there and hanging out.

Chairman Kanelos asked Mr. Ostman if they can put restrictions on their vote; disallow it? Personally he feels the first criteria is not met.

Commissioner Dubiel asked Mr. Chiba if they were to give conditions on this vote , would he abide by that or would it cause him to lose money.

Mr. Chiba tried to explain about his business and what he sells.

Commissioner Schulter asked if he sells pipes at the other location.

Commissioner Karabatsos asked about other [inaudible].

Commissioner Dubiel moved to **approve** 16-ZP-5 which was remanded back to this Board from the Trustees for further consideration with the following conditions: pipes and bongs are not to be sold at this particular location.

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

AYES:	4	Dubiel, DeBartolo, Nakanishi, Schulter,
NAYS:	3	Troiani, Kanelos
ABSTAIN:	1	Karabatsos

There being four (4) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate this decision. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date. Anyone in the audience who would like to be informed as to the date this will be heard by the Board of Trustees, leave your name and address with the recording secretary.

Commissioner Schuller asked if the Board of Trustees can alter the conditions.

The answer is no but they can send it back to this Board once again.

16-ZP-6 Requesting approval of a Special use permit to allow 'outdoor storage of equipment' per Village Ordinance Appendix B, Section IX(B)(2)(c) at 5757 Howard Street, Niles.

Mr. Sylvester presented this case. This is a proposal from FedEx to use a lot east of their new facility at 5959 Howard St. This property is at 5757 Howard St. east of Menard. After the existing building is taken down, it will be a parking lot for semi truck & semi trailer storage and maneuvering to facilitate the distribution activities west of Menard at their main center that is almost complete. In Niles, a stand alone lot that is used for just outdoor storage or parking requires a Special use. A couple months ago this site was in front of the Board for a Variation for a fence around the parking area that

exceeds the 6 ft. limit. At that time it wasn't clear that a Special use was also necessary. All the notification requirements were taken care of. When the Variation was brought up a few months ago there was an outside traffic consultant to review impacts from this proposed used. That was discussed in the minutes last fall. There is a copy of the minutes in tonight's packet showing the study found this would not negatively impact traffic in the area.

Chairman Kanelos asked Mr. Ostman if this had any impact on the sign ordinance. At one time there was discussion about trucks parked with signage as in advertising.

Mr. Ostman said it is being approved for a storage lot and will say FedEx on the side of the trucks.

Commissioner Kanelos ask about trucks pulling in - there is a gate - how do they figure it is not going to be a traffic problem.

Mr. Sylvester said he believes the traffic study looked at the number of vehicles, both employee and delivery trucks, and the time most of the activity would be taking place.

Chairman Kanelos asked if there were other questions. There were none. He called for the petitioner.

Brett Duffy, SpaceCo Engineering, 9575 Higgins Road, Rosemont, IL came forward and was sworn in. He said nothing has changed since they were here for the Variation a few months ago.

Commissioner Troiani asked if they would be working on or repairing these trucks in the lot.

Mr. Duffy said parking only.

Commissioner Dubiel asked about the first standard. Is the Special use necessary for the public convenience. Can you address that?

Mr. Duffy said the lot is located directly adjacent to the facility and they will be moving vehicles back and forth from the east side of Menard to the west side of Menard and vice versa. If this was somewhere else you would be putting trucks back on the road to other locations tying up traffic. It is suitable for this location.

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

Commissioner Nakanishi moved to **approve** 16-ZP-6 requesting approval of a Special use permit to allow outdoor storage of equipment at 5757 Howard Street. The Special use is necessary for the public convenience at the proposed location; the Special use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected; and the Special use will not cause substantial injury to the value of other property in the neighborhood in which it is proposed to be located.

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

AYES:7 Nakanishi, Schulter, Dubiel, Karabatsos,
 DeBartolo, Troiani, Kanelos
NAYS: 0

There being seven (7) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board

of Trustees who can either confirm or negate this decision. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date. Anyone in the audience who would like to be informed as to the date this will be heard by the Board of Trustees, leave your name and address with the recording secretary.

16-ZP-7 Requesting approval of a Special use permit to allow a new 'public storage' facility per Village Ordinance Appendix B, Section IX(B)(2)(f) at 7449 Natchez Avenue, Niles.

Mr. Sylvester present this case and said it is for a public storage facility on Natchez. It is located in the Village's industrial park area on the southeast side of the Village. The former building was razed; the lot is now vacant. It is the process of being purchased by Ryan Finnegan of Creative Self Storage Development LLC. This would be an indoor mini warehouse development. A picture of the proposed development is shown on the overhead. It will be three stories high and 36 ft. tall. This item does require a Special use permit. All the required notifications have been sent out. You will see in the packet at the bottom of page 2 a suggested condition of approval. The applicants have already agreed to this condition. The material shows an 8 ft. fence around the perimeter of the site and Mr. Sylvester explained to the

petitioner the Village only allows 6 ft. fences. If they want it higher they will have to seek a Variation and go through that process.

Chairman Kanelos said if this is approved with that condition and they decide after construction of the fence they want it taller, they still have the right to come back and request a Variation.

Commissioner DeBartolo asked if this Special use permit will advance the goals of the 2030 Comprehensive Plan. Is that because it was already there?

Mr. Sylvester said it is set back because there are requirements for buildings to be set back a certain distance. This is set back the minimum. There are many goals in that 2030 plan but new buildings built to modern standards would accomplish a goal in that plan. Also, the site is vacant and putting up a new building would also fit into the Comprehensive Plan.

Commissioner Karabatsos asked about the restriction of 36 ft. Why not make it 40 ft.?

Mr. Sylvester said the zoning code sets a maximum height for buildings in the manufacturing district of 36 ft. If they want to go taller, they need to request approval.

Chairman Kanelos called for the petitioner. Mike Pizzola [representing Ryan Finnegan] came to the podium and was sworn in.

Chairman Kanelos asked how many units are in the storage facility. Is it going to be difficult with only fourteen parking spots?

Mr. Pizzola said the actual number of units has not yet been decided. He estimates 200 or 300 total. The units vary in size. He said that numerous studies have determined there is enough parking. There may be two or three employees. Someone may park in front, come in to see what the business is all about, look at different units. After it is up and running there may be ten to fifteen trips per day of people coming to look. Otherwise people who have already rented space would drive into the facility through the back. The drive aisles are 30' wide, striped.

Commissioner Dubiel asked about the height of the building and would it please the petitioner if they approved an additional story onto this. He is curious.

Chairman Kanelos said that is not up for discussion.

Mr. Pizzola said they are comfortable with the height of the building as it is proposed.

Commissioner Troiani asked if they were planning to rent cars. Is there going to be a fleet of vehicles or moving trucks?

Mr. Pizzola said no.

Mr. Annunzio asked if everyone is satisfied that the three criteria have been met.

Chairman Kanelos said they will put the criteria in the motion. To be safe it should be verbalized. He believes the three criteria have been met. He asked if there were any more questions from the Commissioners. There were none. There were no questions from the public. He entertained a motion.

Commissioner Nakanishi moved to **approve** 16-ZP-7 to construct a public storage facility at 7449 Natchez Avenue, Niles. A condition is that any fence around the perimeter of the site not be taller than 6' as provided by Village ordinance. The Special use is necessary for the public convenience at the proposed location; the Special use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected; and the Special use will not cause substantial injury to the value of other property in the neighborhood in which it is proposed to be located.

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

AYES:7 Nakanishi, Schulter, Dubiel, Karabatsos,
 DeBartolo, Troiani, Kanelos
NAYS: 0

There being seven (7) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate this decision. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date. Anyone in the audience who would like to be informed as to the date this will be heard by the Board of Trustees, leave your name and address with the recording secretary.

**16-ZP-8 Requesting approval of a Special use permit to allow a
 new restaurant per Village Ordinance Appendix B,**

Section VIII(B)(3)(z) at 8608 Golf Road, Niles.

Mr. Sylvester said this is a straightforward request. The location was formerly occupied by a Baja Fresh restaurant. The request for a Special use tonight is to open a Taco Madre restaurant. It is a similar restaurant. The number of seats will not change. It is in a commercial strip mall. Parking is not an issue. Staff has provided all the notification requirements. Included in the packet is information provided by the applicants about the specifics of their restaurant business.

Chairman Kanelos asked if there were any questions for Staff. There were none. He called on the petitioner to come forward.

Nick Patel, 9218 Nagle Avenue, Morton Grove, IL was sworn in. He said there was nothing else to add.

Commissioner Troiani asked how many people would be working there. Do they all take their own cars to work? Do have that many parking spaces?

Mr. Patel said four to six. Yes, they drive to work. It is a big parking lot. He requests employees park at the end of the lot so their cars don't interfere with customers coming in and out of the restaurant.

Mr. Sylvester said there are 124 stalls, more than 5 stalls per 1,000 sq. ft. They typically require 4 stalls per 1,000 sq. ft.

Chairman Kanelos said they have 25% more parking than required. It will not be an issue. He feels this petitioner meets all three of the required criteria. He then entertained a motion.

Commissioner DeBartolo moved to **approve** 16-ZP-8 requesting approval of a Special use permit to allow a new restaurant at 8608 Golf Road. Mr. Patel is proposing to open a restaurant called Taco Madre in a currently vacant restaurant in the Shops on Golf center. It was previously occupied by Baja Fresh. The property is zoned B-1. A Special use is required for the restaurant at this location according to Village Ordinance Appendix B, Section VIII(B)(3)(z).

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

AYES:7 DeBartolo, Troiani, Nakanishi, Schuller,
 Dubiel, Karabatsos, Kanelos
NAYS: 0

There being seven (7) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate this decision. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date. Anyone in the audience who would like to be informed as to the date this will be heard by the Board of Trustees, leave your name and address with the recording secretary.

16-ZP-9 Requesting approval of a Special use permit to allow a building addition and expanded vehicle maintenance services per Village Ordinance Appendix B, Sections VIII(B)(3)(m) and VIII(C)(3)(a) at 9401 Milwaukee Avenue, Niles.

Mr. Sylvester said Golf Mill Ford last received a Special use permit in 1966 for an outdoor vehicle sales lot. The request tonight is to amend that previously approved Special use permit to allow Golf Mill Ford to construct a building addition for quick lube oil change services. That requires a Special use and that is why we are amending the original Special use granted in 1966. In the packet tonight is a picture of the site plan. It is shown on the overhead. This addition would be on the southwest corner of the existing building. Within the addition would be six service bays. There is now surface parking for eight vehicles. This would be a net loss of two parking spaces. As shown on the aerial view, there is a lot of parking in the area. The loss of two parking spaces would not affect general parking. If you recall, about a year ago Golf Mill Ford bought a property in the area for more vehicle storage. The point is: the loss of two parking spaces will have no impact and is not a concern. Staff is suggesting what could become

a condition of approval. A Village Engineer stated there are some buried utilities in the area; that would be water pipes. This addition must be kept a minimum distance away from those buried utilities. The zoning approval can move forward as they do not have a survey of the exact location of those utilities yet. All the information is in your packets.

Commissioner Schulter asked if besides utilities, are there underground storage tanks in the area.

Mr. Sylvester said there are none.

Commissioner Dubiel said there is something about recorded utilities located in easements.

Mr. Sylvester said the utilities are not located within the easements. The Board might want to discuss whether or not easements should be created.

Commissioner Schulter said if there is electric or gas passing through a property, there needs to be an easement. If it's only servicing this specific property, you don't need an easement.

Mr. Sylvester said they are talking about storm water pipes.

Commissioner Schulter said he mentioned electric.

Mr. Sylvester said it is storm water pipes. That's the one piece of infrastructure Staff is aware of on this property. Those storm water pipes are not just benefitting the Golf Mill Ford property. They serve and benefit other properties in the area.

Chairman Kanelos asked the petitioners to come to the podium. Gus Kreatsoulas, 740 Waterford Drive, Des Plaines, IL and Simon Yu, 500 Lake Cook Road, Deerfield, IL came forward and were sworn in.

Commissioner Troiani asked if they agree to do all the easements we request.

Chairman Kanelos said it doesn't matter if he agrees; if we tell him he has to, he has to. At this time he entertained a motion.

Commissioner Dubiel moved to **approve** 16-ZP-9 requesting approval of a Special use permit to allow Golf Mill Ford to build an addition that will allow rapid oil change service at 9401 Milwaukee Avenue. The packet is complete in satisfying Section XI(H)(4) of the Niles Zoning code. The single condition is that the owner must create and incorporate easements for all those utilities [which apparently is just for storm water] prior to building this addition.

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

AYES:	6	Dubiel, Karabatsos, Troiani, Nakanishi, Schulter, Kanelos
NAYS:	0	
ABSTAIN:	1	DeBartolo

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

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate this decision. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date. Anyone in the audience who would like to be informed as to the date this will be heard by the Board of Trustees, leave your name and address with the recording secretary.

Mr. Annunzio brought up the first case of the night regarding the vape shop. He felt that he didn't hear any facts. If the Commissioners would have asked if there was a bus stop in front of the shop and the petitioner answered yes, that would have been a fact. The question is whether or not the public is being served. You have to think about those things.

DISCUSSIONS

1. Continued discussion of staff memo for proposed garage size language for new zoning ordinance

Mr. Sylvester said Staff is 99.99% done with RAF rezone ordinance which you are recommending to the Village Board after a public hearing. One item not finalized is what kind of rules do we want for accessory structures. The original draft of the new zoning rules basically carried over the rules that have been in Niles for at least eight or ten years. The 700 sq. ft. limit for an accessory structure has been in place at least ten to twelve years. Before that there was no limitation as long as they met set backs, sides yards, FAR, etc.

About ten years ago the Village adopted a rule stating an accessory structure could be no larger than 700 sq. ft. That idea was carried over into the new rules. At least two Commissioners have questioned if that is reasonable and is that what they really want. At the last meeting a request was made for Staff to come up with some information about an alternative approach which is building code. A lot of communities don't set a square foot limit; they basically say a certain percent of the lot can be covered by building but, not more. This would be in addition to set backs. If a person wants a small house and a large garage they can do it; if they want a huge house and no garage they can do that as long as

they fall within that building coverage limit. The GIS Department can measure any part of towns for the existing amount of building coverage. This is done with aerial photography and it can be measured immediately. On the overhead there is an aerial picture of the Ebinger neighborhood. He went on to explain many different lots in the photo and the approach with how the percentage of lot coverage was made. One idea would be to eliminate the maximum square footage approach and instead use maximum building coverage approach. The current zoning code

has a 35% coverage - in the current draft of the new zoning ordinance. Impervious lot coverage is patios, driveways, sidewalks, rooftops, gazebos, garages - that is 60%. Everyone is comfortable with that - it has been in place for years. This would strip out sidewalks, patios, driveways and just go down on building coverage. This would set the limit for how much building a person could have on their property. The impervious limit is being maintained. No one is questioning that.

Commissioner Dubiel's concern about setting the 35% limit, as they are creating these rules, people are going to want to maximize as best they can. We saw it before when you could keep so many walls and people were tearing down walls, etc. If you set it too low people are just going to buy homes and say they are just going to rehab them, as opposed to tearing down and build all new; there are benefits either way.

Mr. Sylvester said it was an excellent point. Mr. Ostman said let's have GIS look at all the houses built in Niles in the last ten years. This was shown on the overhead as well.

Mr. Ostman explained a new house on Albion covers only 8% of the lot. It is a deep lot. He went on to describe other houses on the picture shown on the overhead. The point is to say recently built, bigger homes - what percentage of the lot are they filling up?

There was much discussion and examples about other homes in the Village and the percentage of lot coverage they take up.

Chairman Kanelos said he doesn't see why we aren't considering going back to the way it was ten or twelve years ago. People can put up whatever size auxiliary building they want as long as they don't exceed all the requirements - the side yards, the rear yards, the distance from the house, the impervious lot coverage. It's simple. It's one thing and that's it.

Commissioner Dubiel said then people could maximize their lot the way they see fit but follow the zoning codes.

Chairman Kanelos said if a guy with a small lot can meet his criteria with more than 35%, he doesn't know why the Board would want to limit him.

Commissioner Schulter said some people that have been living in older homes for a while are going to be opposed to that. They won't want these gigantic homes next to their small ranch homes.

Chairman Kanelos said they are already against it. If you look at the building stock in Niles, it's not what people want.

Commissioner DeBartolo said her street is one half small buildings and one half all new buildings, but that's life. So be it. She added a second story to her home. She's sides with the people who build even nicer homes nearby.

Commissioner Schulter asked if Chairman Kanelos thought 35% was too stringent, what would he go up to.

Chairman Kanelos said he would go back to the way it was. They already have a whole other set of criteria in order to build on it. There's impervious lot coverage, there's side yard set backs, there's rear yard set backs, certain distances to a detached garage - he would go back to that.

At this point, everyone is speaking at once.

Commissioner Schulter asked what was the reason it was changed twelve years ago.

Mr. Ostman said it wasn't; 35% is being proposed right now.

Commissioner Dubiel asked are we talking auxiliary buildings? Aren't there two different criteria - one is auxiliary and one is accessory?

Mr. Ostman said auxiliary is a shed or garage; accessory is the same thing. It is anything other than the main structure.

Commissioner Dubiel said people are going to do whatever they can. And they have to come before the Zoning Board anyway.

Mr. Ostman said what Commissioner Dubiel is saying is get rid of lot coverage and go back to FAR. Are we talking about lot coverage? Lot coverage is related to all the building on that entire lot. Or are you talking accessory structures.

Commissioner Dubiel said no, he is talking lot coverage.

Chairman Kanelos said they can build as much as they can and still meet the criteria before them.

Mr. Ostman asked what kind of limitations do you want to put on someone building a new house; just front yard, back yard, side yard and impervious pavement?

Chairman Kanelos said he proposes just going back to that.

Commissioner Dubiel said that gives them more flexibility, right?

Chairman Kanelos asked what are we doing about FAR?

Mr. Ostman said we're getting rid of FAR but in turn putting in building coverage.

Mr. Sylvester said currently there are yard and FAR requirements. There is no building coverage rule at all. The FAR is 0.525. Mr. Ostman's point is new zoning ordinance draft gets rid of FAR and instead uses a rule that is more common in the Chicago area of setting a maximum building coverage; not impervious.

Chairman Kanelos said then we've just reduced maximum FAR from 50%..... He said we've effectively made a restriction.

Commissioner Dubiel said you would have a maximum building restriction. We'd drop FAR; you'd have a maximum percentage determined by side yard, rear yard set back, and accessory structures. He doesn't want to force someone who is at 44.79% to not be able to re-do the exact same house there.

Commissioner Schuller asked Staff if they knew the requirements for Morton Grove because they seem to be doing a lot more building than Niles.

Mr. Sylvester said he can look it up.

Commissioner Dubiel said in his neighborhood people come in to rehab, do very little and keep it like it is then sell it.

Mr. Ostman said in talking to developers it doesn't appraise out to put a second story on a home in Niles; they can't get the mortgages or loans for a second floor addition. Then when it's done the bank wants it to appraise out to a certain dollar amount. That's the problem we are seeing in town.

Commissioner Dubiel said so by tightening things up we don't help the situation.

[Again, everyone is speaking at the same time and it gets very garbled.]

Chairman Kanelos said he isn't speaking for everyone, but he feels it should go back to the way it was.

Mr. Ostman said to go back to the way it was by not with FAR.

Mr. Sylvester said he needs answers tonight. This needs to be done by May and they need to print and distribute copies to the public and it needs to be finalized.

[Everyone is speaking at the same time. There is much discussion going on.]

Commissioner Dubiel said the challenge becomes how much are we going to micro manage the individual lots people want to build on.

Commissioner Karabatsos asked Mr. Ostman for his opinion on this matter.

Mr. Ostman said he's not sure about going back and getting rid of everything and leaving the bulk - front yard, side yard, rear yard. He wants to think about it.

There was much back and forth discussion about if there is an alley behind a lot.

Commissioner Dubiel said he would like to go back to the old way to the rule where the set backs themselves determine the size of the building. He would keep set backs and the impervious lot coverage.

Chairman Kanelos took a poll and asked each Commissioner if they agreed with Commissioner Dubiel. It was unanimous.

Schulter, yes

Nakanishi, yes

Karabatsos, yes

DeBartolo, yes

Troiani, yes.

Mr. Ostman said he would have to ask the Village consultant if there are any concerns doing that.

Mr. Sylvester made the next two announcements. Both of those meetings will begin at 6:00 p.m. Food will start at 5:30 for those coming from work.

2. Announcement of dates for Plan Commission trainings: March 21 and April 18, 2016

Mr. Sylvester made the final announcement.

3. Discuss date for public hearing for proposed new zoning and subdivision ordinance: May 23, 2016

The last announcement is for the public hearing. It is a special meeting of the Plan Commission. After the public hearing hopefully these plans will be approved and adopted and will go to the Village Board in June. Also there will be discussion of the south Milwaukee land use corridor plan.

The regular monthly meeting will still take place April 3, 2016

Mr. Sylvester said there will be nothing final until the Village Board votes in June.

ADJOURNMENT

Chairman Kanelos made a motion to adjourn. There was no vote.

The meeting adjourned at 8:50 p.m.

The following person would like to be notified of next meeting of the Village Board of Trustees:

Tony Chiba
9294 Home Terrace
Des Plaines, IL 60016
773.297.1378

Kathleen Janessa, Recording Secretary