

VILLAGE OF NILES

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



Approved Meeting Minutes

Monday, April 4, 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 Schulter

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 7:01 P.M. All rose for the Pledge of Allegiance.

PRESENT: 7 Chairman Thomas Kanelos, Commissioners Ted Karabatsos, Susan DeBartolo, Angelo Troiani, Barbara Nakanishi, Robert Schulter, Morgan Dubiel
ABSENT: 0

Also present was Director of Community Development Charles Ostman, Assistant Director Rich Wlodarski and Village Attorney Joseph Annunzio.

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of March 7, 2016. There were none. Commissioner DeBartolo moved to **approve** the minutes of March 7, 2016. Seconded by Commissioner Dubiel, on roll call the vote was:

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

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

OLD BUSINESS

NEW BUSINESS

16-ZP-10 Requesting approval of 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 8710 Golf Road.

16-ZP-11 Requesting approval of a 23-foot variation from Village Zoning Ordinance Appendix B Section VIII(B)(9) to allow a new building façade to exceed height limits at 9020-9196 Golf Road, Niles.

16-ZP-12 Requesting approval of a special use permit to allow a vehicle repair shop to modify passenger vehicles for accessibility per Village Ordinance Appendix B, Sections VIII(B)(3)(d); VIII(B)(3)(m); VIII(C)(3)(a); and VIII(C)(3)(i) at 9207 Milwaukee Avenue, Niles.

16-ZP-13 Requesting approval of a special use permit to allow a medical clinic per Village Ordinance Appendix B, Sections VIII(B)(3)(nn) at 7437 North Harlem Avenue, Niles.

DISCUSSIONS

1. **Plan Commission training - Second Session: April 18, 2016.**
2. **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-10 Requesting approval of 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 8710 Golf Road.

Rich Wlodarski, Assistant Director of Community Development, presented the case. Kurt Smith of One Stop Shop Smoke Shop Corp. is requesting this special use for a tobacco shop in the Greenwood Shopping Center. It is zoned B-1 in the business district. This is classified as a business whose primary activity is the sale of tobacco products which is a special use as provided in Sections VIII(B)(3)(hh). The proposed business will sell a variety of products related to smoking.

There were no questions for Staff from the Commissioners. Chairman Kanelos asked for the petitioner to come forward.

Kurt Smith, Petitioner, 9301 Drake Ave., Evanston, IL and Al Knorr, Attorney, 400 Central Ave., Northfield, IL came to the podium. Mr. Smith was sworn in.

Mr. Knorr said he has been working with Mr. Smith to help answer any questions the Commissioners may have.

Mr. Smith said the primary products to be sold are mainly tobacco,

hookahs, glass, vape. In the end he wants to get into the cigar business but knows he needs to start somewhere.

Chairman Kanelos asked if he planned to sell pipes and bongos as distinguished from hookahs. He also asked what percentage of the sales would be tobacco and what would be pipes and other types of accessories.

Mr. Smith said yes, but only for tobacco. He's isn't sure right now. This is his first tobacco shop but his sister has several and she is going to help him.

Mr. Knorr said both Mr. & Mrs. Smith have relatives in the tobacco business who are running successful shops in and around the North Shore. There are some in Skokie as is the Cigar King in Skokie. They would like to emulate that eventually.

Chairman Kanelos stated Cigar King allows smoking inside.

Mr. Knorr said the Smiths would like to be able to sell those types of products. They know there would not be any smoking allowed in the store.

Chairman Kanelos reminded them there are several criteria and findings of fact that need to be looked at. One is "is this special use necessary for the public convenience at this location." The answer was yes. We need a better answer.

Mr. Knorr said he would like to hand out some information to the Board now.

Chairman Kanelos asked the reason it is first being passed out now.

Mr. Knorr said it was prepared in anticipation of this evening's questions.

Chairman Kanelos said they are just getting this information now and don't have time to review it. The Board's questions were given out a while ago and the Commissioners expect to have the information in time to review before the meeting. This may result in a continuance.

Commissioner Troiani asked when the payments would start.

Mr. Knorr said they are in negotiations for the lease right now. It is supposed to start at the end of August if everything proceeds well and they get the approval of this Board. He is working on finalizing the lease for the premises where the shop would be located.

Commissioner Dubiel said he feels there are plenty of these types of tobacco shops in the area. Can they elaborate on why this is necessary for the public convenience?

Mr. Knorr said an example is Skokie where the residents number 65,000. In a brief review there are 11 smoke shops. There is a demand by the public for this type of product in the community that is being met and thriving. He said they are located fairly close together.

Chairman Kanelos said he would like to review this case and recommended tabling it to the next meeting. He told the petitioner to do more research and bring back more information on criteria. Please have the additional information to the Board by April 20, 2016 so it can be reviewed before the next meeting on May 2, 2016.

Commissioner Nakanishi moved to **table** 16-ZP-10 requesting approval of 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 8710 Golf Road.

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.

Commissioner DeBartolo asked if the petitioner could please bring photos of items he plans on selling and how the store will look.

16-ZP-11 Requesting approval of a 23-foot variation from Village Zoning Ordinance Appendix B Section VIII(B)(9) to allow a new building façade to exceed height limits at 9020-9196 Golf Road, Niles.

Rich Wlodarski presented this case. He said for this case, the prior case, and the rest of tonight's cases, public notice was provided on March 17, 2016 to all properties located within 250 feet of the address that has requested special uses or variations. **He repeated the request for a new building façade at Golf Glen Plaza.** This commercial property is regulated according to the Village's commercial zoning district which limits maximum height to 36 ft. **Portions of this proposed new building façade will be up to 59 ft. which requires a height variation of 23 ft.**

Chairman Kanelos said the existing height is 23 ft. and they want to go to 59 ft., correct?

Commissioner Schuller asked what is the 2030 Plan for height.

Mr. Wlodarski said the new ordinance will allow up to 40 ft. in that district, which will be changed to C-2.

Chairman Kanelos asked if either Mr. Ostman or Mr. Wlodarski wanted to comment on how they feel this would be in line with the 2030 plan or the new zoning ordinance.

Mr. Wlodarski said he believes this case is in line with the 2030 plan but it does exceed the height regulations in the new zoning ordinance.

Chairman Kanelos asked the petitioner to come forward and be sworn in.

Alan Ripley, Developer, First Allied, 270 Commerce Drive, Rochester, NY and Patrick Mahoney, Architect, Lauer-Manguso & Associates, 4080 Ridge Lea Rd., Buffalo, NY are the petitioners.

Mr. Ripley explained they propose an attractive renovation of the front elevation of this strip center known as Golf Glen Mart with the exception of the Meijer store. It will be made with a variety of materials. The height of a few of the elevations will exceed the 36 ft. limit. That is the reason they are seeking a variation. The variation would represent about 45% of the center. The remaining area would be within the ordinance. They have tried to come up with a plan for the best opportunity to have the center visible from Golf Road. It would help overcome some of the leasing difficulties they have been having over the years. By renovating they hope to attract better national and regional tenants. They have renovated other centers in different parts of the country and that has helped decrease the vacancy rate and there has been much less turnover. This center is unique in that it is 400+ ft. from the street and is kind of the at end of the retail corridor along Golf Road. The big cinema and a few smaller retailers face an easterly direction. The majority of the center faces south. This would increase the property values in the area. It will also shield some of the artificial light coming from the parking lot and from Golf Road. Air flow would not be affected. The back side of the exceeded height elevations would be wrapped in white plastic which they find to be aesthetically pleasing. The overall appearance will be greatly improved. The company acquired Golf Glen Mart in late 1990 and has not made any

material changes in the center. They are aware of a grocery store near Milwaukee and Golf that was given a height variation a couple years ago. It was found to promote the beautification of the commercial corridor, maintain a range of retail services, strengthen the Village's tax base, promote the outdated shopping center.

Chairman Kanelos asked for a view to be shown on the overhead screen so **everyone can see the different elevations of the proposed façade**. The 59 ft. portion of the cinema is the part of the center facing east. That would be the tallest point in the shopping center. He discussed with Messrs. Ripley and Mahoney the various heights of the proposed façade throughout the entire center.

Commissioner Schuller asked if there were other buildings like this in Illinois.

Mr. Ripley said not in Illinois.

Commissioner Troiani asked about signage on the new façade.

Mr. Wlodarski answered whatever signage they use would have to come before the Board if it were over and above what is allowed.

Mr. Ripley said they would try to reuse signs that are already there.

Commissioner Nakanishi asked if they used the exact same look on any other renovations. She also feels it looks kind of busy and hodgepodge.

Mr. Ripley said not exact.

Mr. Karabatsos asked if the examples of the back side of the façade also include pictures of the front. Is there anything they can see up close with the membrane wrapping on the back of the façade? On other projects do they do the radius (arch) like that as well?

Mr. Ripley said no.

Mr. Mahoney said they have done one in Gaithersburg, MD that does have a metal roof that typically goes back about 10 ft.

Commissioner DeBartolo asked when the Meijer store closes, what is the mall going to look like?

Mr. Ripley said even though the store is closing Meijer still has a lease until 2024. They will probably try to find a subtenant. They didn't include that in the plan since big stores like that usually like their elevation done their own way.

Commissioner DeBartolo said that store may sit empty for a long, long time. So part of the center will look nice but the Meijer store won't change unless there is a tenant who chooses **to redo the façade. The sign will have to come down.** She also would like to see what is on the other side so the citizens who live behind here will be protected. Appearance-wise, she would like to see the whole mall look the same. We like things to look nice in Niles.

Mr. Ripley said that is what the back side is going to look like. Also, Meijer cannot just let the property go. They have to maintain that property as terms of **the lease. If the retailer chooses to change their façade they will have to come** before this Board if they want to exceed height limits.

Commissioner Dubiel asked if their other renovations were similar situations.

Mr. Ripley said they vary. The first one they did was in 2008 in Allentown, PA. It is a K Mart anchored center. K Mart does their own thing so that wasn't touched. They renovated the rest of the center. At start time it was about 10 or 15% vacant. They were down to 5% before it was complete because the leasing agents did a good job. They got the word out at various shopping center conventions around the country. The most recent was in Matthews, NC. That was driven by the tenant Office Max that left upon merging with Office Depot. Tile Shop signed on after seeing what we were going to do. In between these two examples there have been good successes and some not so good. In this case they are not crazy about the tenant mix and would like to get better retailers.

Commissioner Dubiel said so the driving factors are: the building is far from the street; it's obsolete. The petitioner said they also want to be able to service their debt. Now with Meijer's leaving, others may leave and there could be a chance of foreclosure.

Mr. Ripley said not necessarily. With the downturn of 2008, yes there has been properties affected. But their investors have the means to bridge that. There is a property in Philadelphia that has been struggling. The investors will kick in rather than let the property go. In this case there is a good amount of money invested in this design. One criteria for the variation is return for the investors. It isn't that good but they are getting close.

Chairman Kanelos added too much vacancy isn't good for the city. We lose out on revenue and sales tax so we don't want vacancies either. So to improve these properties is in the interest of the Village as well.

Commissioner Nakanishi said there is such a high density in the area, she doesn't understand how Meijer's could be going out of business.

Mr. Ripley said he isn't sure how Meijer's does their business but he does know they were operating primarily as a grocery store. It wasn't a typical Meijer store with a mix of discount retail and grocery. The margins for operating a grocery store are pretty slim. They must be losing more money per month by operating than what the rent is going to cost them.

Commissioner DeBartolo asked if Meijer is going to be affected by this renovation especially in their parking area. What kind of stores are you trying to attract?

Mr. Ripley said they may be affected by some construction staging. They would be sensitive to their parking. That's a broad question. Naturally they would like to attract Starbucks & Gucci but they know where they are. They just want to put

their best foot forward and attract the best retailers they can, whether class A or class B. They want retailers that know how to run a business and those that will stick around. There is a screening process.

Commissioner Dubiel said it is mentioned in the petition about shielding artificial light and sound from Golf Road.

Mr. Ripley said this is only the second property where there is residential behind them. But this property also wraps around Dee Road alongside the movie theatre.

Chairman Kanelos said the proposed tallest part of the renovation would be at that point so the residents will only see the side of it. It's good that it is not over the front of the center that faces Golf. The front that faces Golf will range from 36 ft. to.....

Commissioner Karabatsos asked what was the highest point of Meijer.

Mr. Mahoney said it is in the range of 25 ft. They don't have the exact measurement.

Commissioner Nakanishi said with this proposal a good portion of the center will be renovated but not all.

Mr. Ripley said yes. Roughly 2/3 will be renovated. Meijer will not.

Chairman Kanelos asked if there were any more questions from the Commissioners for the petitioner or Staff. There were none. He then asked if there were questions from the public.

[We do not have full names of all those who spoke. They left the meeting without giving their full names and contact information. The property manager of Terrace Square condominiums, Marcel Brusca, said she would notify them of the upcoming Board of Trustees meeting.]

The people who spoke were sworn in as each approached the microphone.

Sherry Kopis, 9098 Terrace Drive, Niles. She lives directly behind the shopping center and has a two bedroom unit on the southwest corner of the building. She said there are 564 units in 8 buildings. She has lived there since 1981 and enjoys her view. **She is begging to not be put behind a wall. Currently the façade is one story high.** She collected 45 signatures from families that face the shopping center. They said yes to her following note:

"We the residents of Terrace Square condos do not want a heightened **façade** on the Golf Glen shopping center. We would be boxed in and forced behind a wall taking away our enjoyment, the view of Golf Road and decrease our property

values. We're less than 50 ft. away. We want to see the sun." Walmart and Target are less than a mile away. They are the same height as this shopping center. **There is always a sea of cars in those parking lots. A new façade is not going to make people come.** Walmart is set back just as far. It is the same type of shopping center. The neighbors who live on the first three floors cannot see over the center and the air conditioners on the roof. She said she and her neighbors put up with a lot of noise from the karaoke bar that dumps bottles every night at 4 a.m. Then the blowers start before 7 a.m. when cleaning behind the bar. They try to look past that.

Chairman Kanelos asked if she calls the police when that happens. She responded yes. He said that is a separate issue that is out of the control of the landlord. And it has nothing to do with this Zoning Board.

Mr. Wlodarski said it is approximately 125 to 130 ft. from that building to the **property line. To the back of the façade would be about 200 ft.**

Mr. Stepich [sic], 9098 Terrace Dr., Apt. 3A came forward. The building is six stories. It is 55 ft. tall. Then you will put something that is 50 to 60 ft. tall in front of us.

Chairman Kanelos pointed on the overhead to show the highest point (59 ft.) would be along the west side of the center facing east at the theatre. Along the north side of the center [facing south] the height would vary between 35 and 46 ft.

Mr. Stepich said there is a 10 ft. ceiling in the stores. It is not a tall shopping center. They will make it very narrow on the bottom and a huge roof for no reason. His opinion is that it is a mish mash of different structures - round, pointed, square. Now he can see the fireworks from Park Ridge. He can also see the green trees far out his window. He won't be able to see all that. It is going to be a white wall almost as tall the his building.

Chairman Kanelos said right now the developer can do 35 ft. without coming before this Board. The majority of the strip will be 35 ft. and then spots along the way that will be65% of this will comply with the ordinance. 35% will be above the ordinance.

Mr. Stepich said that is 35% too much. He went on to explain they are used to noise. He kept speaking about the blockage of light and greenery.

Commissioner Karabatsos asked what is the existing height of the shopping center currently.

Mr. Mahoney said the theatre is probably 36 ft. The remainder is approximately 26 ft.

Dolores [last name inaudible] 9098 Terrace Dr., Apt 4C. She has lived there 25 yrs. and enjoys the view. She doesn't see why they would have to make it so high. It isn't going to bring in anymore shoppers. Omega Restaurant has always done well. She can't see what the advantage is. Now her view will be blocked.

Commissioner Schulter said the majority of the façade that she would see from her unit will go up to around 35 ft. She would still see over that. If the developer wants to increase the height to 35 ft. the Village would have to allow them to do it. That would be allowed and would not be before this Board tonight. The reason it is here is because of other sections of the center that they want to increase past the 35 ft. allowed which is along Dee Road. But if they want to increase the whole center to 35 ft. they can do it right now and this Board can't stop them. He wants her to understand it's not the entire shopping center going up to the proposed 59 ft. That is only where the theatre is.

Chairman Kanelos said if you have a strip mall that doesn't look good it doesn't attract tenants. And people don't like shopping in places that don't look nice. If a mall attracts people, it attracts sales tax revenue and that benefits all of Niles. If this is passed, the only place it is going to be 59 ft. is a very small portion of the section at the theatre. Along the rest of it, the majority will be 35 ft. with a few portions up to 45 ft.

Dolores said there has been a lot of tenant problems - coming and going. There must be something wrong with management.

Marcel Brusca, property manager for Terrace Square, 1805 Vista Ct., Apt. 101, Schaumburg, IL, came forward. She is here to support the tenants. She feels the view will be blocked.

Mr. Stepich asked what is the height of this building. On the overhead the center is shown as it is now. They now have 10 ft. ceilings.

Chairman Kanelos said just because the ceilings are 10 ft. doesn't mean the roof is 10 ft. That might be 15 ft.

Mr. Stepich said then they want to add all that height on top of it. It has to be supported.

Commissioner Karabatsos said they are going to make a covered walkway.

Pictures are now being shown on the overhead. There is a lot of back and forth talk about the pictures and the heights of the building.

Mr. Stepich said they will be covering the six story building where he lives. He urges them not to allow this and stay within the ordinance that is allowed. Do they really need to raise it so tall for any reason?

Commissioner Karabatsos asked what is the height of the theatre now.

Mr. Wlodarski said the theatre is definitely not more than 36 ft.

Sherry Kopis came back to speak. She wanted to see more pictures on the overhead and have more explanations. She spoke at length about all that is wrong with this request and how her building will now be hidden. Nothing should be that tall.

Chairman Kanelos said from the front of the center where the façade will be to the front of her building is 230 ft. It's a lot farther than it looks.

Commissioner Dubiel said the shopping center is 26 ft. tall. Ms. Kopis said from certain angles she can see Golf Road but can't see the parking lot. She has already lost some of her view. He is trying to understand then, if they add 10 ft. **to make the proposed façade 36 ft. [which is allowable], what is the objection if she already gave testimony that her view is lost.** He said no one owns their view.

Chairman Kanelos explained the 2030 plan. It is conceptual and includes things the various Boards would like to see happen. The new zoning code that will be in effect later this year is what will change. And that is where the height will then be 40 ft. in that area. It hasn't been passed by the Trustees yet. There will be a public meeting about the new code on May 23, 2016.

Commissioner Karabatsos asked the developers if they are doing the same height in other malls around the country.

Mr. Ripley said not all locations are the same. None of their buildings are as far from the street as this center. None are at the very end of a retail corridor. He explained different malls they have redeveloped. He rebutted some of the points of the homeowners. Walmart is busy because they are the largest retailer in the world. They are making a large investment in this property and want a return on their investment. They manage sixty shopping centers across the country so they know how business works. A lot of big box stores, like Best Buy, want the height of 40 ft. Height is what makes it visible and that makes tenants survive. There are other factors involved in businesses that come and go. There is competition. The best thing they can do is make the building as visible as possible and make it attractive. They want to drive better services to the community, have better tenants and improve occupancy.

Commissioner DeBartolo asked have centers that were redeveloped attracted better tenants and has the city in which they are located become more profitable?

Mr. Ripley said when they brought the Tile Shop into Matthews, NC, the tenant wanted to see what was being done; they wanted to know the height of the building and if they would have the visibility they desired. This was a tenant who wanted to see what was being done before they signed a lease. That carries a lot of weight.

Mr. Mahoney said he has done about 200 renovations like this in the last 27

years. As time goes on, retailers tend to gravitate to taller buildings. He feels this owner is doing their best to make it attractive. From a retailer's point of view the best thing you can do is move the sign band to the very top of the building. The farther back you are, the higher you need to be in order to be noticed.

Commissioner Dubiel said the speed limit on Golf Road at that point is 35 mph. He cannot read the signage on the existing buildings as he drives by. Is that why the signage should be higher?

Mr. Mahoney said yes. He went on to explain the angles of view and the distance to the street. And your eye should be drawn to the architecture. Some of the retailers will be on the pylon sign closer to the street. Then the people driving by have an idea of who is in the center even if you don't know exactly where you are until you get into the center.

Sherry Kopsis came forward once again. She spoke of driving and looking around to see what stores are in the center. No matter how big the signs are, you should be watching the traffic. They should concentrate on the signs you see when you enter a shopping center, like the digital signs at Walgreens.

Marcel Brusca asked if the developer has done a project like this close to residential buildings.

Mr. Mahoney said half of the centers renovated have residential areas behind them; half do not. In Gaithersburg, MD there is residential area on two sides of a building that is roughly 50 ft. tall. In Falls Church, VA there is residential all around the building and it is also 50 ft. tall. They are one story properties.

Chairman Kanelos asked if there were any other questions. There were none. He entertained a motion.

Commissioner Dubiel moved to **approve** a request for a 23 ft. variation from Village Zoning Ordinance Appendix B Section VIII(B)(9) to allow a new

The Commissioners had no questions for Staff.

Chairman Kanelos called the petitioner to the podium.

Joseph Canda, Mobility Works, 796 Thunderbird Trail, Carol Stream,

Regional Sales Manager; Gary Ebben, Design Studio, Project Architect and Mitch Goltz, GW Properties, who will be the owner of the property, came forward and were sworn in.

Mr. Goltz said his company is the contract purchaser for this property for six months. The building has been vacant for quite a while. There are some challenges with this property regarding dimension and size. His company found a user in Mobility Works, a nationwide company. They will be building this operation from the inside out. There will be a long term lease. This will be a relocation from Dempster Street in Skokie.

Mr. Canda said they are currently located at 5050 Dempster in Skokie at the old Walton Chrysler building. They do not convert vehicles. They are the dealer body for the two major converters. There won't be actual conversions at this proposed location. He described the different types of vehicles they provide and said they service the disabled community. They are not a car dealership. Hours of operation are Monday through Friday from 8 a.m. until 5 p.m. Saturday hours are from 9 a.m. until noon. They have 57 locations from coast to coast. This company brings a lot to the community. They are excited to be here.

Commissioner Troiani asked if they would be keeping their doors closed since there is a high rise of senior citizens directly behind the proposed business.

Mr. Canda said yes.

Commissioner DeBartolo said therefore minor work will be done at this facility. Anything major will be put out to someone else. It appears from the pictures in the packet this corner is going to look a lot better than it does now.

Chairman Kanelos asked if they lease or rent vehicles also. Let's say there is a relative coming into town who needs that type of vehicle.

Mr. Canda said they have a small fleet for that purpose. They have locations in Chicago, Villa Park, Plainfield and Skokie.

Chairman Kanelos said there is no business like that around here. It is definitely necessary for the public convenience. There were no questions from the Commissioners or the public. He entertained a motion

Commissioner Dubiel moved to **approve** the special use permit to allow a vehicle repair and sales business with outdoor inventory display and storage

per zoning Ordinance Appendix B, Sections VIII(B)(3)(d); VIII(B)(3)(m); VIII(C)(3)(a); and VIII(C)(3)(i) at 9207 Milwaukee Avenue for case 16-ZP-12. It has met the requirements contained in the packet and testimony for tonight.

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

AYES:7 Dubiel, Karabatsos, DeBartolo, Troiani,
 Nakanishi, Schulter, 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-13 Requesting approval of a special use permit to allow a medical clinic per Village Ordinance Appendix B, Sections VIII(B)(3)(nn) at 7437 North Harlem Avenue, Niles.

Mr. Wlodarski said in November, 2014, Dr. Ramon Castro's request for a special use permit and parking credits to open a medical and wellness clinic at 7437 Harlem Avenue - case 14-ZP-38 - was approved by the Village. Dr. Castro did not move into his medical clinic space nor did he obtain building permits within the required 180 days after the approval. Village Ordinance Appendix B, Section XI(H)(5) states if a special use is discontinued for 180 days or longer, such special use shall become null and void and any subsequent reinstatement of such shall require a new special use. Dr. Castro has resubmitted his application to open a medical wellness clinic at 7437 North Harlem Avenue. The space is currently vacant. This property is zoned B-1 business district and a medical clinic is a special use in this district as provided in Village Ordinance Appendix B, Sections VIII(B)(3)(nn). The proposed medical clinic will be approximately 2,200 sq. ft. in size with five procedure rooms: exam, aesthetics, operating, minor procedures and ultra sound. There will be a reception/waiting area, offices and storage. Information provided by the applicant is in the packet. Parking on site is

insufficient as described in the packet; therefore parking credits that are

allowed in zoning ordinance Appendix B, Section X(B)(10)(nn) are required. This space is part of a two tenant space that also includes 7443 Harlem Avenue. The two tenant spaces share a parking lot that is currently not striped but if it were there would be room for ten vehicles.

Chairman Kanelos asked if there was an ordinance about striping parking lots. This can be made a condition.

Mr. Wlodarski said there were always tenants in this building and the lot was not striped. Now that it is vacant we would think a new tenant would want it striped for ease of parking.

There were no questions from the Commissioners.

Chairman Kanelos called for the petitioner, Ramon Castro, MD, 2221 Carol, Park Ridge, IL, to come forward and be sworn in. Paul Kolpak, Attorney, 6767 N. Milwaukee Ave., Niles, IL also came to the podium.

Mr. Kolpak said on November 3, 2014 case 14-ZP-38 was approved by this Board - six in favor, one not in favor. Dr. Castro did put on a new roof and had air conditioning work done on the building. Unfortunately there was a family tragedy which set back Dr. Castro's plans to remodel this building. He now can get on with his business model and we are now requesting the special use be reinstated. The only thing that has changed from the minutes of the original request is that his client has purchased the property. At the time of the 2014 request he was a contract purchaser. Everything else is exactly the same. There is Village parking across the alley that this site has access to.

Chairman Kanelos asked if Dr. Castro is amenable to striping the lot.

Mr. Kolpak said yes.

Commissioner Dubiel asked if that testimony can be added to the previous finding of fact.

Mr. Kolpak said yes.

Chairman Kanelos said to make the minutes from 14-ZP-38, November 3, 2014, Exhibit 1. He asked if there were other questions from the Commissioners or the public. There were none.

Commissioner Troiani moved to **approve** Dr. Castro's request for a special use permit.

The meeting adjourned at 9:10 p.m.

Please notify the following people of the next meeting of the Village Board of Trustees:

Case 16-ZP-11

Marcel Brusca, Property Manager, Terrace Square Condominiums, 1805 Vista Ct., Apt.101, Schaumburg, IL, 224.231.8221

She, in turn, will notify the residents who appeared before tonight's Board.

Case 16-ZP-12

Joseph Canda, Mobility Works, 796 Thunderbird, Streamwood, IL
630.819.9014

Mitch Goltz, GW Properties, 2211 N. Elston Ave., Suite 304, Chicago, IL,
773.304.8600

Mr. Canda requested first on the agenda at the May 2, 2016 meeting.

Kathleen Janessa, Recording Secretary