

# VILLAGE OF NILES

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



## Approved Meeting Minutes

Monday, May 23, 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

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The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:05 P.M. All rose for the Pledge of Allegiance.

PRESENT: 7 Chairman Thomas Kanelos, Commissioners Ted Karabatsos, Susan DeBartolo, Angelo Troiani, Morgan Dubiel  
ABSENT: 2 Commissioners Barbara Nakanishi and Robert Schuller

Also present was Director of Community Development Charles Ostman, Assistant Director of Community Development Richard Wlodarski, Senior Planner Bruce Sylvester and two staff members from Camiros Ltd.

### **APPROVAL OF MINUTES**

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of April 4, 2016. There were none. Commissioner Dubiel moved to **approve** the minutes of April 4, 2016. Seconded by Commissioner DeBartolo, on roll call the vote was:

AYES: 5 Dubiel, Karabatsos, DeBartolo, Troiani, Kanelos  
NAYS: 0  
ABSENT: 2 Nakanishi, Schuller

There being five (5) affirmative votes the motion carried.

### **NEW BUSINESS**

#### **16-ZP-14 Comprehensive Plan Amendment - South Milwaukee Corridor**

Proposal to amend the Village of Niles 2030 Comprehensive Plan to incorporate the recommendations and land-use plans as included in the May, 2016 South Milwaukee Avenue Corridor Plan.

#### **16-ZP-15 Zoning Text Amendment - proposed New Zoning and Subdivision Ordinances.**

Proposal to repeal in its entirety the current "Village of Niles Code of Ordinances Appendix B - Zoning Ordinance" and replace it with the proposed new "Village of Niles Code of Ordinances Appendix B - Zoning Ordinance". Proposal to repeal in its entirety the current "Village of Niles Code of Ordinances

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Chapter 90 - Subdivisions" and replace it with the proposed new "Village of Niles Code of Ordinances Chapter 90 - Subdivision".

**16-ZP-16 Zoning Map Amendment - Proposed New Zoning Map.**

Proposal to repeal in its entirety the current Village of Niles Zoning Map as adopted by the President and Board of Trustees on March 22, 2016 and replace it with the proposed new Village of Niles Zoning Map entitled "Public Hearing Draft - May, 2016".

Chairman Kanelos announced this is an informational presentation of the final proposed draft of the new zoning ordinance. Technically there are three cases but they will be presented as one. The cases are the Comprehensive Plan Amendment - South Milwaukee Corridor; Zoning Text Amendment and the Zoning Map Amendment. Staff will give a presentation; the Commissioners will ask questions. Then we will open the floor to the public. Each person who chooses to speak will come to the microphone, be sworn in and offer testimony. Each speaker will have two minutes. After everyone who chooses to speak does so, there will be another opportunity for those who already spoke to speak again for a time limit of two minutes.

Bruce Sylvester gave an overview of what is being presented tonight. This process started in 2013 when the Village decided the zoning ordinances in use since the 1960s were out of date and weren't adequate to encourage and promote redevelopment and reinvestment in the community. In 2013 the Village hired the outside consulting firm, Camiros Ltd. Two staff members are at tonight's meeting. They are very knowledgeable in drafting zoning ordinances for communities. At the same time the Village thought it best to come up with a vision/plan for Milwaukee Avenue. Both projects have culminated with what is being presented here tonight. The Plan Commission and the Trustees have been working on this a lot over the past two and a half years. Throughout this time they have tried to keep the public as involved and informed as possible. All the information has been on the Village website; articles have been running in the local newspapers and there has been a lot of community outreach. Last summer there were well attended open houses at the Village Hall explaining the plans. There were some focus group meetings, particularly with property owners around Milwaukee Avenue. This is a plan that creates a vision for Milwaukee Avenue from the

southern end of Niles at Albion north to Monroe. Existing buildings, existing businesses will remain. But if property owners and developers wish to

redevelop, this is how we would like to see it play out. There are principles -area plans for each segment starting at Albion on the south and proceeding north; areas that are included within the planning areas; streetscaping, traffic and beautification. Then they get into building form describing how new developments should be constructed on either side of Milwaukee Avenue.

Next he spoke of smoke, spark and fire scenarios. Milwaukee Avenue can start changing incrementally with small improvements as the Village has been doing for the past five or six years. That is a smoke type level of development. Then there are more intensive and larger types of redevelopment that would be the spark type of development. An example would be if the Village buys a piece of property and turns it into a municipal parking lot that would benefit nearby businesses. That would be a spark type level of redevelopment. The third type this plan envisions would be the fire - a more intensive and grander type redevelopment. This could be if the Village might partner with a developer to acquire several properties and encourage the developer to build a brand new building perhaps with businesses and residential with some parking included. That would be a more bold type of redevelopment. These aren't rules or requirements. It is just a vision for the future of Milwaukee Avenue. Combined with this are the new zoning ordinances. The new ordinances would create the rules that would allow the types of things included in the plan to become a reality. The new zoning ordinances are not limited to just Milwaukee Avenue. The majority of the Village [in particular the single family residential districts] is not affected. An exception to this is that in the southern portion of the Village, many of the lots are narrow and non-conforming. The new zoning ordinance presents a new zoning district for those lots that are narrow and it says they don't have to be 50 ft. wide. They can be 35 ft. wide. That is one notable change. Most of the commercial properties in the Village are unaffected. There are new zoning designations. Rather than using B1 and B2, the new ordinances has four classifications now using the letter C or C1, C2, C3 and C4. C3 is proposed to be applied along the portion of Milwaukee Avenue that is included in the Milwaukee Avenue plan. C3 along Milwaukee is two sides of one coin. One side allows property owners to do more with their property. But if there is redevelopment it comes with more responsibility to make it beautiful and provide more quality architecture and design. In the C3 district no one is required to relocate, or business to close or any property owner to sell. It merely says if someone wants to do something different with their property, the rules would give them that option but it is not a requirement. There are also rules the Village has for about five decades years regarding how people can divide and combine lands. Those are called the subdivision ordinances. Technically they are not part of the zoning ordinance. But they are so out of date that it was agreed to create new

subdivision ordinances the same time the zoning ordinances were being revised.

The third and final piece wraps all of this together. That is the proposed new zoning map. Both the old and new maps have been on line and are in the room tonight for people to look at. The elected officials and Staff are also excited to create a new vision for the southeastern portion of the Village. It has been designated as the Touhy triangle cultural and entertainment district. The Village

recently created a TIF district for that area and a separate group is working on a land use plan. This would be centered around the Leaning Tower. That is the other part of the Village where the new zoning ordinance really does have a substantial impact. It is currently zoned primarily manufacturing. However some of the areas on the front of it [Touhy] have commercial zoning. This new area is designated entertainment/mixed use. There are lot of details. He will take questions. The consultants are also available for questions.

[COMMISSIONER SCHULTER ARRIVED AT 7:25 P.M.]

Commissioner Dubiel asked for all to look at page 2-7. They are trying to distinguish a porch enclosed and a porch unenclosed. He asked for a more detailed explanation.

Mr. Sylvester asked if could research that and get back to him.

Commissioner Dubiel said yes.

Chairman Kanelos asked about 2-2. There is a definition of a bedroom. It is a room in a dwelling with a closet. It used to say other than dining room, living room, pantry, kitchen and bathroom. That is being struck. Is there anything else that is going to distinguish a living room with a coat closet or a kitchen with a pantry? It seems the older version is more clear.

Commissioner Dubiel is looking at 8-13. Under that heading he is questioning 4 and 5. #4 - vehicles may not be on site for more than three days. Is that just for unlicensed vehicles?

Mr. Sylvester said if a business is turning over their vehicles and not starting to use their lot as storage of salvage, this won't be a problem. If the Village starts to see a problem, they will contact the business owner.

Commissioner Dubiel then addressed #5. Isn't it usual for a repair shop to sell some of its repaired vehicles?

Mr. Sylvester said they wanted to differentiate between vehicle repairs and vehicle sales. This is a permit for vehicle repair shops. For example, CarX says they also want to sell vehicles. They would be told they need to apply for another permit for sales. Currently it would have to be a Special Use. Regarding #4, if a vehicle is in for repair and they exceed the three day limit waiting for parts or other special circumstances, then they would be exempt from the three day rule.

Commissioner Dubiel said turn to page 8-18 regarding garage sales. How do you enforce item 2 - all goods offered for sale must be the property of the resident or multiple neighbors.

Mr. Sylvester said it is meant to prevent people from setting up flea markets in random places.

Commissioner Dubiel moved on to 9-5 regarding decks. Are you allowed to have a rooftop deck on a garage?

Mr. Sylvester said a lot of detached garages on smaller lots do meet the set back requirements of three feet. Then they could have a rooftop deck. But if you don't meet the set back requirements then it is not allowed. He said they would put a period after the word "structures" and strike out the remainder of that sentence.

Commissioner Dubiel referred to 9-11 regarding granny flats. An exception would be on the smaller lots.

Mr. Sylvester made a note that this requirement does not apply in the R2-35 district.

Chairman Kanelos asked if there were other questions from the Commissioners. There were none. He then asked for the public to approach the microphone one at a time to be sworn in.

Arista Strungys from Camiros, Ltd. suggested, to save time, swearing in the entire public audience then whoever speaks could approach the mic and begin speaking.

Chairman Kanelos said he is fine with swearing in each person as they approach.

James Downes, 6651 N. Normandy, Niles, approached & was sworn in. He wanted clarification on which residential areas Mr. Sylvester was referring to regarding zoning changes.

Mr. Sylvester said after the meeting he will meet with anyone individually or talk with them on the phone and find out exactly where they live. Then he can better explain what is going to affect their neighborhood.

Chairman Kanelos asked to have the new zoning map put on the overhead.

Mr. Sylvester then went through the residential areas impacted by the zoning change. He started at the southern end of the Village and explained where everything was located. He showed how the lots on Albion are very narrow. All the changes will not affect anyone living there. Change will only become active if someone wants to redevelop an area. In the past those lots have been designated as single family with a minimum lot requirement of 50 feet. The new zoning ordinance has these lots rezoned as R2-35. It means if they are at least

35 feet they are now conforming. There are still some lots that are less than 35 feet. They are still non-conforming but they are now less non-conforming.

Commissioner Troiani was saying something but all his conversation was muffled.

Mr. Sylvester said there is a similar situation in the Ebinger Drive area. They are being rezoned in the R2-35 designation. Shown on this map is also the new C3 zoning area.

Chairman Kanelos explained this C3 zoning area in detail.

Mr. Sylvester expanded on this. Look at the single family houses along Nora. He said the lots along Milwaukee Avenue that are commercial - that is called the back half of that block. They can all stay there as is. But if they are destroyed, rebuilding them would require they meet the new zoning requirements. This is now C3 zoning. It is the best of both worlds. If a house is destroyed, it can be rebuilt. It also allows them to sell to a developer [not forced to however] who wanted to do a large redevelopment on an entire block. He is still going through the map on the overhead. Most of the manufacturing area remains manufacturing. With the exception of the Touhy triangle, the bulk of that area remains manufacturing. They also have created a new zoning district called office-research. It is intended to facilitate Class A office development, research parks and such. The Shure building on Touhy is one parcel that will be rezoned office-research. This is more appropriate. Currently it is zoned manufacturing.

Commissioner Troiani asked about the area at the Waukegan Rd./Milwaukee Ave. corner where the gas station is located.

Mr. Sylvester said C3 is being applied all along Milwaukee, including the back half of blocks.

Chairman Kanelos said in the matrix [in the Commissioners' packets] all that is illustrated clearly. It is very specific. With regard to residential, the changes that are proposed are either making it better or no change at all.

Mr. Sylvester said again for the bulk of the community there are no changes; unless you are within a block of Milwaukee Avenue south of Monroe. Then there are changes but to the benefit of the homeowner.

Mr. Downes still wants to know how this affects him.

Mr. Ostman said those lots in Mr. Downes' area are going from R2 to R2-35. It brings all those lots to conformity. There is an area [on the map] they maintained as R2 because they are sizeable lots. The answer is no as far as a developer

coming in and putting up an apartment building or townhomes, etc. The only thing the property owner could do is subdivide into 4 homes. Each lot would have to be 50 feet wide.

Mr. Sylvester said some of the houses are built close to the street. There are 2 difference set back rules. A designation if you're further set back. B if you're closer to the street.

Angelica Borrromeo, 7340 N. Meade, Chicago came forward to be sworn in and speak. She lives next to Niles and is concerned about the environmental impact on these changes.

Mr. Sylvester said they did not do an environment study. That wouldn't have anything to do with rezoning. That would be for a specific project to see if it would impact the environment.

Mrs. Borrromeo said she lives near the green triangle on the map [the entertainment district] and there is already a lot of traffic on Touhy Avenue. An environmental study could be very important.

Mary Herzog, 7614 N. Neva, Niles, was the next speaker to be sworn in. She disagrees that residents around C3 are only going to see improvement. She just sold her house on Meade and lived behind the businesses there. The noise was unbearable. Will people who live near the C3 area be made aware

of any construction plans in case someone wants to build a bar, have loud music into the night and so on? She also believes an environmental study should be done because noise pollution is part of environment.

Mr. Sylvester said it is always difficult in planning to transition from commercial to residential. That problem will always exist. There will be notifications sent to residents as most projects in those areas will require Special Use permits. There is more scrutiny. As redevelopment occurs along Milwaukee, it is the Plan Commission's duty to protect the residents who are going to remain in that area. The Village wants Milwaukee Avenue to be revitalized but not in a way that harms the residents.

Jane Wright-Ortiz, 7055 N. Newark, Niles came forward and was sworn in. At the moment, her home is included in the cemetery [St. Adalbert's] on the zoning map. She wants to know if they are going to be residential or C3.

Mr. Sylvester said that is small mapping error. There are two single family houses on Newark just north of St. Adalbert's. They were inadvertently labeled as public institutional. That will be corrected and they will be listed as residential.

Eddie Adler, 1640 Sylvester, Highland Park, IL was the next speaker to be sworn in. He is the executive vice-president of a company that does business in Niles, the Missner Group. They are a contract purchaser of a property at 6035 Gross Point Road that is affected by the entertainment mixed-use district. He doesn't agree with the vision of the Village on that property. Properties like Woodward that have been redeveloped as industrial - we look at this property the same way 5 years down the road. If, in fact, a tenant did not renew their lease and the vision didn't come to fruition, then we are stuck with an obsolete industrial property that would be almost impossible to re-let. In Rosemont - all those properties in the entertainment district were purchased before the plan was put into place. There is no cohesiveness with this Niles property. The plan will be very difficult to execute. He feels the plan to go ahead and buy the Gross Point Road property is now highly unlikely.

Mr. Sylvester wanted to state that since the notices went out about this public meeting, he probably had 70 to 80 phone calls. People wanted to know exactly how the changes affect them.

Niki Tsakalis, 8801 W. Golf Rd., Highland Towers, Niles came to the podium and was sworn in. The condo building she lives in was changed to R4. Why?

Ms. Strungys stated R4 is a multi family residential district. She went on to read the entire lengthy definition of R4.

Mrs. Tsakalis would like an explanation as to why this will be an advantage. And what is PI next to R4?

Mr. Sylvester said the property was already developed when it was annexed by the Village of Niles. For some reason it was assigned R1 - single family - which is incorrect. It has always had the wrong designation. It won't affect anything by correcting it to R4, which is what it should have been all along. PI means public institutional such as schools, parks, cemeteries, government buildings. There is a park behind this property.

Mr. Ostman said that would be the North Maine park district. That would be the appropriate classification for that area.

Mrs. Tsakalis doesn't think that park is in Niles.

Mr. Ostman and Mr. Sylvester said yes it is.

Mrs. Tsakalis asked if Maine Township was in Niles. The answer was yes.

Mark Dolibois, 7216 N. Meade, Chicago, was the next speaker to be sworn in. He asked what is S & P.

Mr. Sylvester said the area this gentleman lives in is Chicago but is surrounded on three sides by Niles. In the use table there are little cells. If it is blank that type of business is not allowed at all. P means it is permitted. And S means there is more scrutiny and needs a Special Use. But the Village has to have a public hearing, notify the neighbors, publish it in the newspaper.

Mr. Dolibois asked if they could be more specific about entertainment. What types? Could it include a casino?

Mr. Sylvester said there is section in this plan as to what is included in indoor entertainment. Things like theatres, restaurants.

Ms. Strungys then read every type of business that is included in indoor entertainment.

Louella Preston, 9267 N. Maryland, Niles came forward and was sworn in. Her concern is about C3 along Milwaukee Ave. An example is behind Jerry's

Fruit Market. Will all the homes behind Jerry's become C3?

Mr. Sylvester showed the area on the overhead. This is an area where the Village is proposing to not incorporate the C3 area behind Jerry's. The existing family houses on Oketo would remain R2.

Mrs. Preston then referred to page 21 of the South Milwaukee Avenue Corridor plan. What about on street parking strategy? It also refers to Harts Plaza with additional phases. [Then her time ran out.]

Mr. Sylvester said Harts Plaza is partially completed. Once this zoning map is adopted, the future development of that plaza must comply with the new C3 plan.

Eugene Catana, 7614 N. Nora, Niles was the next speaker to be sworn in. He is affected by the new plan. He thinks his house would have to go.

Mr. Sylvester wanted to emphasize no houses have to go. No one is being forced to move.

Chairman Kanelos said the only way that would happen is if someone sold their property and someone wanted to buy it to develop it. No one will be forced to move.

Mrs. Preston spoke again. The last page of the draft she read at the library earlier today refers to September 2015. What does that mean?

Mr. Sylvester said it was a typo.

Mrs. Preston said on page 29 there is a statement about realigning Milwaukee Avenue where it meets Waukegan Road. There's a new hotel going up. Page 35 the southwest corner of Touhy and Milwaukee shows C3 and it doesn't show a fountain. Is the plan to remove the fountain and put up something else?

Mr. Sylvester said the plan is to leave the fountain. As far as the realignment of Waukegan and Milwaukee - that is not a new idea. This was brought up ten years ago and this new plan still includes it. If there is a major redevelopment in that area, the Village would work with the developer to realign that intersection.

Chairman Kanelos asked if there were any more questions.

Commissioner Dubiel feels this explains to the public probabilities but it doesn't change possibilities.

There were no more questions.

Chairman Kanelos said since they are a recommending Board to the Village Trustees, he would entertain a motion for recommendation. Each of the three items needs to be addressed in a separate motion.

Commissioner Dubiel moved to **approve** 16-ZP-14 Comprehensive Plan Amendment - South Milwaukee Corridor as presented tonight.  
Seconded by Commissioner DeBartolo, on roll call the vote was:

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

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

Commissioner Dubiel moved to **approve** 16-ZP-15 Zoning Text Amendment - Proposed New Zoning and Subdivision Ordinances as presented along with the corrections discussed.  
Seconded by Commissioner Troiani, on roll call the vote was:

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

ABSENT: 1 Nakanishi

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

Commissioner Dubiel moved to **approve** 16-ZP-16 Zoning Map Amendment - Proposed New Zoning Map along with any corrections of errors on the map. Seconded by Commissioner Schulter, on roll call the vote was:

AYES: 6 Dubiel, Karabatsos, DeBartolo, Troiani,  
Schulter, Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

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.

### **ADJOURNMENT**

Chairman Kanelos made a motion to adjourn.

Commissioner Troiani moved to adjourn.

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

AYES:6 Troiani, Schulter, Dubiel, Karabatsos,  
DeBartolo, Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

The meeting adjourned at 8:40 p.m.

Kathleen Janessa, Recording Secretary