

# VILLAGE OF NILES

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



## Approved Meeting Minutes

Monday, August 8, 2016

7:00 PM

Village Hall

## Planning and Zoning Board

### Chairman

Thomas Kanelos

### Members

Susan DeBartolo

Morgan Dubiel

Ted Karabatsos

Barbara Nakanishi

Robert Schulter

Staff Liaison Bruce Sylvester

CALL TO ORDER/ROLL CALL

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

PRESENT: 5 Chairman Thomas Kanelos, Commissioners Ted Karabatsos, Susan DeBartolo, Barbara Nakanishi, Robert Schulter  
ABSENT: 1 Commissioner Dubiel

Also present was Director of Community Development Charles Ostman, Senior Planner Bruce Sylvester, Village Attorney Danielle Grcic and Niles Police Chief Dennis McEnerney.

### **APPROVAL OF MINUTES**

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of July 11, 2016. There were none.

Commissioner Nakanishi moved to **approve** the minutes of July 11, 2016.

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

AYES: 5 Nakanishi, Karabatsos, DeBartolo, Schulter, Kanelos  
NAYS: 0  
ABSENT: 1 Dubiel

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

### **OLD BUSINESS**

**16-ZP-20 - Requesting approval of a special use permit to allow 'outdoor storage of equipment' per Village Ordinance Appendix B, Section IX(B)(2)(c) for a proposed school bus storage/maintenance facility at 6119 Howard Street and 6100-6140 Gross Point Road, Niles.**

**16-ZP-21 - Requesting approval of variations from landscaping requirements as provided in Village Zoning Ordinance Appendix B, Sections XII(G)(2) and (3) to allow a proposed parking lot at 6100-6140 Gross Point Road for a proposed school bus storage/maintenance facility at 6119 Howard Street and 6100-6140 Gross Point Road, Niles.**

**16-ZP-22 - Requesting approval of a plat of consolidation per Village Ordinance Appendix B, Section XI(C.1)(3)(i) to combine parcels located at 6119 Howard and 6100-6140 Gross Point Road, Niles for a proposed school bus storage/maintenance facility.**

16-ZP-24 - Requesting approval of a special use permit as provided in Zoning Ordinance Appendix B, Sections VIII(B)(3)(z); VIII(B)(3)(mm); and VIII(C)(3)(a) for a proposed music and lounge at 6873 Milwaukee Avenue, Niles. club

**NEW BUSINESS**

16-ZP-28 - Requesting approval of a special use permit as provided in Zoning Ordinance Appendix B, Section VIII(B)(3)(1) to allow a 24-hour fitness center at 9530 Greenwood Avenue, Niles.

16-ZP-29 - Requesting approval of a special use permit as provided in Zoning Ordinance Appendix B, Sections VIII(B)(3)(a) and VIII(C)(3)(a) to allow a new car wash business at 9201 Milwaukee Avenue, Niles.

16-ZP-30 - Requesting approval of a 13 foot variation from Village Zoning Ordinance Appendix B, Section VII(B)(10) to allow a proposed addition that will be 27 feet from the rear property line where 40 feet is required at 6818 Lexington Lane, Niles.

16-ZP-31 - Requesting approval of a 1 foot 3 inch variation from Village Zoning Ordinance Appendix B, Section VII (C)(8) and a 5 foot 6 inch variation from Section VII(C)(9)(a) to allow a proposed carport that will be 23 feet 9 inches from the front property line where 25 feet is required and will be 4 feet 6 inches from the side property line feet are required at 8642 Oleander Avenue, Niles. that where 10

**DISCUSSIONS**

**ADJOURNMENT**

**OLD BUSINESS**

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

16-ZP-20 - Requesting approval of a special use permit to allow 'outdoor storage of equipment' per Village Ordinance Appendix B, Section IX(B)(2)(c) for a proposed school bus storage/maintenance facility at 6119 Howard Street and 6100-6140 Gross Point Road, Niles.

**16-ZP-21 - Requesting approval of variations from landscaping requirements as provided in Village Zoning Ordinance Appendix B, Sections XII(G)(2) and (3) to allow a proposed parking lot at 6100-6140 Gross Point Road for a proposed school bus storage/maintenance facility at 6119 Howard Street and 6100-6140 Gross Point Road, Niles.**

**16-ZP-22 - Requesting approval of a plat of consolidation per Village Ordinance Appendix B, Section XI(C.1)(3)(i) to combine parcels located at 6119 Howard and 6100-6140 Gross Point Road, Niles for a proposed school bus storage/maintenance facility.**

For the second meeting in a row, these three (3) cases have been tabled to the September 12, 2016 meeting.

Commissioner Nakanishi moved to **table** 16-ZP-20, 16-ZP-21 and 16-ZP-22.

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

AYES:	5	Nakanishi, Karabatsos, DeBartolo, Schulter, Kanelos
NAYS:	0	
ABSENT:	1	Dubiel

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

Chairman Kanelos called for the next item of old business.

**16-ZP-24 - Requesting approval of a special use permit as provided in Zoning Ordinance Appendix B, Sections VIII(B)(3)(z); VIII(B)(3)(mm); and VIII(C)(3)(a) for a proposed music club and lounge at 6873 Milwaukee Avenue, Niles.**

Bruce Sylvester said this item was tabled at the July meeting. This case and all the items being heard tonight were submitted before the new Zoning Ordinance was adopted. These cases are being reviewed against the Zoning Ordinance that was in place until July 1, 2016. Please keep that in mind.

In July the Board heard from some community members including the people who reside directly behind this property, as well as the owners of the motel adjacent to this site to the south. At that time some support was expressed but also concern about the management of the business and in particular the behavior of patrons leaving the establishment in the evening hours and closing time; and regarding noise in particular. In July there was some discussion about police records and Staff invited Dennis McEnerney, Niles Police Chief, to attend this meeting tonight and be available for discussion.

Chairman Kanelos said in last month's minutes it was stated there would be a meeting on August 4 regarding issues in that area. Did that meeting take place?

Charles Ostman said yes, the meeting took place and there were about thirty-five people in attendance. The Village Manager was there and fielded questions. The owner of Playbook was there. He, however, was unable to attend.

Chairman Kanelos asked if there was anything that took place at that meeting that would help make a decision tonight.

Mr. Ostman said he did not get any information that meeting would impact tonight's case.

Mr. Sylvester said at the top of page 3 in the Staff report are some suggested items this Board may wish to consider as conditions of approval if there is a motion to approve this request:

- Shared off-site parking must be arranged with a near-by property;
- The parking lot must be repaved and restriped;
- An on-site manager must insure that patrons leave quietly;
- Trash cans or dumpsters must be enclosed in the detached garage or in a dumpster enclosure;
- A solid fence must be built along the south property line from the western edge of the adjacent motel building to the right-of-way line along Milwaukee Avenue; and
- The outdoor seating area/deck must be closed to patrons at midnight.

Chairman Kanelos asked the petitioner to come forward.

Andrew Bobrowski, the petitioner, Elmdale Ave., Glenview was sworn in.

Won Sun Kim, Attorney, 1000 Skokie Blvd., Suite 520, Wilmette was also present at the podium.

Ms. Kim stated a 6 ft. fence has been installed. They will repave and restripe the parking lot. Management and ownership will be actively involved so that the parking lot area is monitored continuously when patrons are leaving. This should satisfy the neighbors to make sure no group is leaving loudly, no honking and no gathering in the parking lot. Hopefully it will be a friendlier relationship with one of the neighbors. She understands the residential neighbor directly behind the property is in support of this establishment.

Chairman Kanelos asked if the staff will be dedicated to the parking lot or is it someone who is going to check on it periodically.

Ms. Kim said the manager will be keeping an eye on things. She can't say it will be one person every single day at the same time. But one person will be designated so the parking lot and back door is monitored.

Chairman Kanelos repeated someone will be dedicated to that parking lot at all times or after 10:00 or 11:00. If it's a different person each night, that's a different issue. He's not asking that.

Mr. Bobrowski said last month that was neighbor's concern - closing time.

Chairman Kanelos said there is a concern about the late hours. Whether it's midnight or 4 a.m., it's not just 4 a.m. the neighbors are worried about. It could be 1 a.m., 2 a.m., 3 a.m., 4 a.m.

Ms. Kim said because of that they will keep an eye on the parking lot and back door. But it isn't realistic to have one person standing out there continuously and if they come in to go to the bathroom, all of a sudden someone is not there. They can't say someone will be out there all night. But they will pay particular attention to the back door and parking area. They fully understand it is a special use.

Chairman Kanelos said that really doesn't solve the problem. Last time promises were made and even with good intentions, when running a business you get distracted, there's a problem and sometimes people get a little lazy too. They are really trying to make this work for everyone. The Board may make a condition there must be a dedicated person. If that's the case and this moves forward, you'll have to abide by that or it would be in violation of the special use.

Ms. Kim said they are aware of that. But the complaints on the floor pertain to the previous business owner. She feels it unfair to color Mr. Bobrowski with the previous owner with whom he has no relationship. She feels it economically unrealistic to have one person dedicated to the parking lot when the dining room isn't full. If there is a special party going on into late hours, they understand when people are leaving it needs more attention.

Mr. Bobrowski said this is just the beginning so he doesn't know .....[inaudible].

Chairman Kanelos said the Board can't come back and say now there has to be a condition. It would be great to visit every special use six months later and see how things are going but they don't have that ability. If they could, they could tighten or loosen up things if need be. Have you given any thought about limiting hours on the outdoor portion? Even though there is only one residence behind this establishment, sound doesn't obey lot lines.  
It travels.

Mr. Bobrowski said it wouldn't be this year anyway. Possibly it is next year. He's just starting and in a couple months it will be winter. He has no plans to remove the deck right now. And he probably won't open until November. He is open to limiting hours on the deck.

Commissioner Schuler asked if the agreement with Przybylos for additional parking is in writing. It says "additional offsite parking shall be provided to assure parking at the nearby property."

Chairman Kanelos said that was a different case. But they do have it as a request from the Village.

Ms. Kim said they have considered that. But first a question. The prior zoning ordinance requires 1 parking space for every 2 seats. This establishment has about 80 seats. They have 34 parking spaces. We don't understand the need for additional parking spaces.

Chairman Kanelos said hopefully the business will thrive and will need additional parking. He asked Mr. Ostman if he knows the fire capacity of this building. Is it more than what they are showing?

Mr. Ostman answered he did not know. He'sm pretty sure it's more than what they are showing.

Chairman Kanelos said with people standing in the large bar area the crowd could exceed the number of spaces. You may have an opportunity where you'd need overflow parking.

Ms. Kim said there was some discussion with White Eagle to share parking spaces if there is an overflow. If the Board requires it in writing, the petitioner will obtain that.

Commissioner DeBartolo asked if he considered putting in a camera system so the back door could be monitored along with the parking lot, dining room area, etc.

Mr. Bobrowski said is it something he would consider.

Commissioner Karabatsos asked if violations can be tied to a liquor license.

Mr. Ostman said he does not know about liquor license requirements.

Village Attorney Danielle Grcic said if there is a violation of the liquor license, the state allows the Village to pull the business license. If there is a violation that comes up later, there is that ability to pull the special use and the business license.

Chairman Kanelos said then it has to be a violation of the conditions placed.

Ms. Grcic said correct.

Commissioner Karabatsos said let's say there is a noise complaint, does that tag the liquor license? If the police are coming there once a week, does it tag their business license or the liquor license?

Ms. Grcic said she can look into more detail. But with the liquor license, there are specified violations that will tag the license; she isn't sure if this is one of them. She will research that and answer the Board in an email. But the business license will for sure be tagged. It isn't just the noise. It's a violation of any local ordinance or state statute that would affect the business license.

Chairman Kanelos said then it falls back into an issue of enforcement. The police can't be everywhere at all times. Last time complaints were made, the police arrived. But by the time they got there, there wasn't a violation.

Chief Dennis McEnerney said if there is no amount of noise when the police arrive, they cannot write a ticket.

Chairman Kanelos asked Mr. Ostman, in six months or a year, can the business owner come back to the Board and ask to extend the hours allowed for the outdoor deck?

Mr. Ostman answered yes, they would amend this special use. They would go before this Board again. Then neighbors would come and say this has been good or this has been bad.

There were no more questions from the Commissioners.

Julie Andelin, 6701 N. Milwaukee Ave., Nilas came to the podium and was sworn in. She wants to know if this is going to be an establishment for the older people similar to The Chambers, not like Playbook.

Chairman Kanelos said based on the business plan their target market is 50 years and older.

Lucien & Mary Janikowski, Village Motel, 6871 N. Milwaukee Ave., Nilas [second address is 4978 Maria Court, Colorado Springs, CO] and their daughter, Ursula Janikowski, 50 E. 16th St., Chicago came forward and were sworn in.

Mr. Janikowski said there are windows all around the building of the proposed business. It is not designed for this kind of activity. Most of the bar side is on the side of the motel and the windows are open. There is tremendous noise. And he opposes a 4 a.m. liquor license. He also doesn't think an open deck will be very quiet. He thinks it will be noisy with people drinking and having fun on an open deck.

Ursula Janikowski said they know it's not the same owner but they've learned from previous experience and want to make sure these conditions are set. She

feels the 4 a.m. license is a little excessive. The 2 a.m. license seems more regular. The patio enforcement seems like something they would like. As far as noise volume, not sure if there is insulation in the building but would like the windows to stay shut during hours of operation. Her parents brought documents of complaints to the police at the last meeting.

Chairman Kanelos said the decision to issue a 2 a.m. or 4 a.m. liquor license is not this Board's. How is it processed?

Mr. Ostman said he understands the 4 a.m. license is not issued initially. The latest license a new business can obtain is 2 a.m. After a year it is evaluated to determine if a 4 a.m. license would be appropriate.

Ms. Grcic said there is an application submitted to the Liquor Commissioner. That is the way it goes.

Chairman Kanelos asked what things would be reviewed when the petitioner comes in and asks for a 4 a.m. license. Would any complaint records with the police department be a factor?

Ms. Grcic said the Liquor Commissioner could have access to that type of information. But it needs to be provided to the Liquor Commissioner. Generally that Commissioner would be notified of police involvement.

Chief McEnerney said every time they get a call at a liquor establishment, they have to do a police report. It is well documented. If a ticket is written, it would be attached to that report number. The Liquor Commissioner gets the reports and determines if there will be a fine or suspension of the license. An example would be if they get a report of underage drinking. The Liquor Commissioner would get a copy of that report and could conduct a hearing with the bar owner.

Chairman Kanelos said if this gets passed tonight, the petitioner would be issued a 2 a.m. license, correct? They can't get a 4 a.m. license immediately.

Ms. Grcic said it could happen but it is not likely.

Ms. Janikowski asked if they would be notified if that took place.

Mr. Ostman doesn't have an answer for that.

Mr. Janikowski said he didn't hear anything tonight about a sound barrier fence if they get approved. And what about improvement of the building. He knows of other nightclubs where there are no windows.

Chairman Kanelos said he was at the property again today. He doesn't know how effective a fence would be since almost the entire property is the brick wall

[back end] of the motel. He asked about requiring the windows on that side of the property to remain closed during business hours.

Mr. Ostman said as long as they are functional - that is a requirement.

Commissioner Schulter asked how many windows are on that side of the building.

Mr. Janikowski said the windows by the bar and the front door would be open. All that noise used to come through.

Mr. & Mrs. Janikowski both spoke at length about all the noise and other problems coming from this business. They said the same thing at last month's meeting. [See minutes from July 11, 2016]

Commissioner DeBartolo asked Chief McEnerney if he knows of any complaints against the motel. We are talking about all the things that went wrong at the previous restaurant/bar but what about the motel. It works both ways.

Chief McEnerney said they have not had complaints regarding the motel. He feels the back door [not the front door] is more of a problem at the restaurant/bar. The place was not well run with the previous owner. The police may have been at the motel for a domestic situation but it's a well run motel.

Chairman Kanelos asked if the motel parking lot is marked NO TRESPASSING, CARS WILL BE TOWED. Did you ever call the towing company?

Mr. Janikowski said yes it is marked. No, he didn't have them towed.

Ms. Janikowski said they want to prevent a repeat of the former business.

Mrs. Janikowski is begging this doesn't happen again.

Chairman Kanelos asked how close can a fence be at a side yard to the front of the property line.

Mr. Ostman stated you can't be past the front of the building line.

Chairman Kanelos said then a short fence can go from the building to the front sidewalk because that is where the building ends. That would be allowed and it would force patrons to walk to the front of the sidewalk and not cut through the motel's foliage to the parking lot. That could be a condition as well.

Chief McEnerney said if they get called for noise complaint they do not arrive with sirens. Normal patrol responds and looks around. People can be arrested for urinating in the parking lot, disorderly conduct. It depends on the level of the situation.

Ms. Janikowski said it might be possible to have a bouncer at the back door making sure no one is loitering in the parking lot. This is nothing against the new owner. They just want to make sure everything is in place.

Nina Laspina, 6761 Forestview Lane, Niles came forward and was sworn in. She lives directly behind the proposed business. She thanked Mr. Bobrowski for the new fence. She has lived there since 2009 and has called the police twice. Whatever issue was going on was taken care of by the police and it has been okay. It's not only this bar. She has had some problems in front of her house with patrons from Playbook and Chambers also. She is excited to see another business open. She thinks most of the noise will be solved with an enclosed area for smoking on the back porch. She thinks the limited hours on the deck would help. She has also a few problems from the back windows of the motel that is at the corner of her lot. She's hopeful that all the owners can come together and be successful with this new business.

Chief McEnerney said the best way to combat loitering in the parking lot would be with lighting. It doesn't have to shine in the residents' homes.

Chairman Kanelos said that is a good suggestion. Maybe there could be some low level lighting.

Mr. Sylvester said there is required lighting for parking lots of a certain size. He can't recall the exact size. This is under the old ordinance and there is nothing regarding lighting in the old information.

Chairman Kanelos asked if there were other questions from the public. There were none. He wanted to entertain a motion and there are quite a few conditions. If no one makes a motion, it doesn't go anywhere. Since no one is making a motion, can both parties come together and come to some kind of agreement and table this until September?

Commissioner Schuller finally moved to **approve** 16-ZP-24 for 6873 Milwaukee to open a music club and lounge called The Music Box in a current vacant building with the following conditions:

- Shared off-site parking must be arranged with a near-by property;
- The parking lot must be repaved and restriped as recommended by the Village Engineer;
- An on-site manager must insure that patrons leave quietly;
- Trash cans or dumpsters must be enclosed in the detached garage or in a dumpster enclosure;
- A solid fence must be built along the south property line from the western edge of the adjacent motel building to the right-of-way line along Milwaukee Avenue;

Chairman Kanelos asked if someone would suggest a friendly amendment so the deck would have limited hours until 10:00 p.m. and the patrolling of the parking lot from midnight until close be a dedicated individual.

Commissioner DeBartolo said she will make that friendly amendment and Commissioner Schuler said he would accept it. However Commissioners Schuler and DeBartolo feel that 10:00 p.m. is too early.

Commissioner DeBartolo motioned for 11:00 p.m.

Commissioner Schuler did not accept the friendly amendment. He wants 12:00 midnight.

Commissioner DeBartolo said okay, 12:00. The additional condition would be the deck area close at midnight and the parking lot is patrolled from midnight until close by a dedicated individual.

Commissioner Schuler doesn't feel there should be a dedicated person patrolling the parking lot. He thinks an on-site manager should handle that.

Commissioner Schuler stated the conditions once again.

- o Shared off-site parking must be arranged with a near-by property;
- o The parking lot must be repaved and restriped;
- o An on-site manager must insure that patrons leave quietly;
- o Trash cans or dumpsters must be enclosed in the detached garage or in a dumpster enclosure;
- o A solid fence must be built along the south property line from the western edge of the adjacent motel building to the right-of-way line along Milwaukee Avenue; and
- o The outdoor seating area/deck must be closed to patrons at midnight.

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

AYES: 3 Schuler, Karabatsos, DeBartolo

NAYS: 2 Nakanishi, Kanelos

ABSENT: 1 Dubiel

There being three (3) 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.

**NEW BUSINESS**

Chairman Kanelos called for the first item of new business on the agenda.

**16-ZP-28 - Requesting approval of a special use permit as provided in Zoning Ordinance Appendix B, Section VIII(B)(3)(I) to allow a 24-hour fitness center at 9530 Greenwood Avenue, Niles.**

This item was withdrawn by the petitioner.

Mr. Sylvester said the applicant notified him last Tuesday [August 2, 2016], after the packets were already distributed to the Commissioners and the agenda had been posted and published, that they were withdrawing their request for a special use permit. No additional action need be taken.

Chairman Kanelos called for the next item on the agenda

**16-ZP-29 - Requesting approval of a special use permit as provided in Zoning Ordinance Appendix B, Sections VIII(B)(3)(a) and VIII(C)(3)(a) to allow a new car wash business at 9201 Milwaukee Avenue, Niles.**

Mr. Sylvester said this application was received before the new Zoning Ordinance took effect so it is being reviewed under the old Zoning Ordinance.

Car washes do require a special use permit. The site in question [shown on the overhead] is currently a vacant lot just south of Maryland St. on the east side of Milwaukee Ave. It is to the south of the old Holsum Bakery building, soon to be a vehicle conversion business. The owner is present and is proposing to construct a car wash building along the north side of the vacant lot. There would be parking in the center and it would be north of the business to the south which he also purchased. It would also provide parking for the car wash. It would also provide parking needs for the car wash in the stalls along the south of the car wash building where there would be cleaning and vacuuming stations. Neither Staff nor the applicant anticipate there would be any need for long-term parking associated with this business. People will come in, get their car washed, possibly go to a vacuum station, then leave. There is one recommended condition of approval. The area needs to be re-platted to make sure the car wash building is not crossing over lot lines. They need to obtain a plat of subdivision. It should be created before the business is allowed to open. All the required notifications were done in the newspaper and by mail.

Chairman Kanelos said the police department expressed concern about exiting left hand turns on to Milwaukee.

Chief McEnerney stated yes, Milwaukee is heavily travelled and this exit is not too far south of the stoplight at Maryland. He thinks coming out of the car wash and going left is a bit risky. It's a safety concern.

Chairman Kanelos was demonstrating on the aerial view. There are two exits. Would making the north exit right turn only and the south exit right or left turn satisfy the police department?

Chief McEnerney said yes, he thinks it would be a lot safer. He referred to the aerial view on the screen.

Mr. Sylvester then said if that changes, the applicant may need to make some minor changes. Perhaps some of the landscaping would need to be eliminated, or eliminate one of the parking stalls.

Chairman Kanelos asked if there were additional questions for Staff. There were none. He called the petitioner forward.

The following gentlemen came forward and were sworn in:

Tom McHugh, petitioner, 1731 E. Ridgewood Lane, Glenview, IL 60025

John Myefski, Architect, 630 Davis St., 5th Floor, Evanston, IL 60101

Jeremiah Diamond, Project Manager, 630 Davis St., 5th Floor, Evanston, IL 60101

Mr. Myefski said they understand the exiting problem and have already agreed to take care of that. He explained the layout as he pointed to the area on the screen. He said the further exit will be an in and out. The parking there would be for the manager and perhaps another employee who may be there to clean up. It's a two person operation to keep this automated car wash going. The parking spaces along the other side are there for the tenants of the office building located next to the site. They need the parking spaces for both facilities. In addition there are fourteen spaces for cleaning the car. Vehicles will enter and get into two lanes. There is an automated control that will let one car at a time advance. The car will then make the turn. It will allow for stacking twenty vehicles. There is a bypass lane if someone needs to get out of line. This is a very long carwash to go through. All of the equipment is completely buffered. It takes about a minute. At that time you can exit right only. There will be signage at that exit stating DO NOT ENTER. The car can also access the cleaning ports. They do provide the 10 ft. landscape buffer between this property and the residential properties behind. The exterior of the structure is designed to minimize noise. It will be subdued colors and kind of blend with the logo for Zippy's Car Wash.

Commissioner Karabatsos asked how much water might be coming out of the car wash toward Milwaukee Avenue because of ice buildup in the winter.

Mr. Myefski said there really shouldn't be any water coming out. There is an extra 35 ft. so the car is done dripping by the time you pull out. There may be a little bit additional dripping.

Commissioner Schuller asked if it was similar to Water Way in Northbrook.

Mr. McHugh said this offers a longer tunnel for extra drip time. The whole concept is fast and good but better.

Commissioner Schuller asked if there is a staging area to go to where an employee might do a special cleaning of the wheels.

Mr. McHugh said no. The vacuum area is free. You pay \$5 and you can go up to \$14 and choose the vacuum for free. Or you can just leave.

There were no more questions from the Commissioners.

Marge Schultes, 9150 N. Courtland, Niles came forward and was sworn in. She understands this is a fully automated car wash and there will be a manager on site at all times.

Mr. McHugh said there will be two to four people there at all times. You stay in the car and drive through. The proposed hours are 7 a.m. until 9 p.m. Monday through Saturday. Sunday hours may be 8 a.m. until 6 or 7 p.m.

Mrs. Schultes asked for details on the buffer area.

Mr. Myefski said first there is a 6 ft. fence which will run the entire length of the property. It would be a solid board on board but they are open to having it an open board on board. They want it to look good from both sides. There are arborvitae shrubs every 3 ft. and deciduous trees located every 25 ft. Then there is a lot of mulch and lower landscaping around that. That becomes the large continuous linked buffer that is the 10 ft. requirement.

Mrs. Schultes said so there is the 6 ft. fence [getting rid of whatever is there now] and go all the way down past the factory. As for the deciduous tree, she already has the stuff growing behind Norbert's Pool and Patio hanging over her electrical lines and everything falls on her property. She pays a lot of money every few years to have those trees cut back. She doesn't want to run into more problems.

Mr. Myefski said he's certainly be able to work with her with whatever problems she might have. They could select different species at the next meeting when they go through the actual landscape review. The trees every 25 ft. are actually a requirement. The arborvitaes are another requirement..

Mrs. Schultes said there are no lights there now. Will there be provisions for any kind of lighting during the overnight hours?

Mr. Myefski said there are requirements for lighting. They must maintain minimum lighting that is required by code. They also have to make sure lighting does not go across the property line onto her property.

Commissioner Nakanishi asked about the dripping water when cars exit the car wash. [She is pointing to the area on the overhead.] If 500 cars come out dripping water, it is going to run onto Milwaukee Avenue and could create an ice patch. Is it possible to landscape and close off the northern most exit? Then the water would be done dripping by the time the cars get to the southernmost exit/entrance.

Chairman Kanelos asked if the way Milwaukee Avenue is designed, would that water make it past the curb?

Mr. Ostman said he couldn't say. He did ask if this car wash is equipped with a certain number of blowers.

Mr. McHugh said there are fifteen dryers. There are also heated pads at the exterior and at the entrance for the drip. This way water won't freeze as the car leaves.

Mr. Myefski answered Commissioner Nakanishi's earlier question about the drip. He said since there are heated pads at the beginning and end of the wash, that would take care of freezing. He would compare it to a home dishwasher. If it is opened midstream and a dish is pulled out, water will roll off rapidly. But if it's opened after going through a full cycle, there may be a drip or two that falls onto the floor. It wouldn't be a problem. Milwaukee Avenue does have a crown in it so the water moves to the side of the street; that's going to be the low point. They don't feel the water will get to that point. They did go to a lot of work to keep the existing curb cuts and this was designed to work around them.

Chairman Kanelos said on the positive side all the traffic won't be trying to leave via one exit.

Leo Galati, 8139 W. Church St., Niles, and Michael Galati, 9206 N. Courtland, Niles, came to the podium and were sworn in.

Leo Galati asked if this property is zoned for a car wash.

Chairman Kanelos answered there are zoning districts for businesses and some things are permitted right off the bat; other things are permitted under certain circumstances. That is when they have to apply for a special use permit. It is implied this type of business is allowed in this type of zoning district but the Board has to determine if this particular site is suitable.

Mr. Galati thinks this is a wrong choice. He built a few homes in that area and wished he could have talked to a Board like this. He has bad nightmares in dealing with the Village. His father lives next door to his son at 9200 N. Courtland. He is 88 years old. There are all kinds of problems at the car wash in Morton Grove on Dempster Street. They are washing their cars at all hours,

blasting the radios. Where are the vacuum cleaners going to be located? How far is it from the end of the building to the property line?

Mr. Myefski said the building itself [in the east to west direction] is 160 to 170 ft. in length. Near where the vacuums are located there is a building that houses enclosed trash and the vacuums themselves. They are on a variable volume - kind of a speed process. It actually has a tube going across that feeds those fourteen stations. There aren't external vacuums that are typically noisy. These are located internally behind those walls specifically to reduce sound. There is a sound absorbing material that wraps around the interior of that enclosure.

Chairman Kanelos asked if it was like a residential central vacuum system where there is a unit over here and the hoses all work toward that main unit. In other words there won't be fourteen vacuums all on at the same time. And again, what is the distance from the building to the lot line?

Mr. Myefski said the closest point when you get in the car wash is approximately 185 ft. As you go further to the very end you get to 125 ft.

Mr. Galati said Chaser's bar down the street has loud music and he can hear it at 1 or 2 o'clock in the morning even with his windows closed. He isn't confident that a 6 ft. fence and all the landscaping is going to keep the noise down. This is not the proper location for the car wash. A guy building a house has to get a lawyer to get it done. Something like this, he just comes here and it gets approved. Something in wrong.

Chairman Kanelos said if there is a project and there is a zoning related issue and you disagree with the Village, you can come before this Board too.

Mr. Galati said they already have a problem with flooding on Courtland. Where is the water going to go?

Chairman Kanelos said they are not here tonight to address the flooding issue. He knows how Mr. Galati feels because he floods too. There's a code that allows a certain percentage of a lot to be covered and a certain percentage that has to be green space; if the petitioner complies with that the Board can't deny based on that. The Village is very particular about water management with new construction.

Mr. Galati wants to know where the drains will be.

Mr. Myefski said for a commercial development this car wash is relatively green. It may not look like it but it is. On any commercial property you'll have a great deal of parking. All of the storm water is stored below the parking areas in storm traps and chambers. It is kept on site in these chambers and slowly released.

Mr. Galati asked why they don't require 40 ft. rear yards for commercial property, only residential property. Would you want cars next to your property line waiting for a car wash, radios playing and windows open?

Chairman Kanelos said there are certain things allowed in commercial property that are not allowed in a residential area. They can't change the code.

Mr. Galati thinks the lanes should be moved over.

Michael Galati asked about the lighting. Will there be sensors? An example would be in the winter, if no one is there do the lights have to be on.

Mr. Myefski said they could consider that. But they have to maintain a minimum lighting level for safety and they would like to be at the minimum. Most of the lighting is not concentrated toward the edges. It is concentrated toward the center of the facility.

Michael Galati asked if there were any plans for security cameras.

Mr. McHugh said they will have between sixteen and thirty-two cameras. They don't always solve every problem but they are a deterrent for crime and loitering.

Michael Galati said the noise pollution is a big concern.

Mrs. Schultes asked how close is the asphalt [where the cars will be in line] to the actual property line.

Mr. Myefski said 10 ft.

Mrs. Schultes said she can't fathom 10 ft. to have a bunch of cars sitting in line idling.

Helen Markovich, 9208 N. Courtland, Niles came forward and was sworn in. The flooding is a big, big issue. The Huntington is right behind her. It just flooded in the last storm and she and her neighbors had to listen to the generators because there was no power for two days. The generators are supposedly in a soundproof area. These vacuums will be as loud as that. She is not happy with chemicals being dumped into the environment. There is already a car wash on Dempster five minutes away. There's a car wash at the Mobil station at the corner. Now we have to deal with the exhaust. This is her neighborhood and she, along with the other residents, have a right to say they don't want it [the car wash] here. This should be in an open area and not contaminate anyone else. She's a heart patient and doesn't want to be smelling exhaust all day long. She has to get up at 5:00 a.m. to go to work and doesn't want to hear radios blaring late into the night.

Chairman Kanelos asked what kind of restrictions are there on types of detergents being used.

Mr. Myefski said the whole idea with this new type of car wash is to be environmentally sensitive. They are focusing on sustainability both in the design, the materials used for the building, the way that it's built and the amount of water the building will use.

Mr. McHugh said the detergents they use are not considered environmentally hazardous. It's soap and not toxic. As far as reclaim, it is possible to recycle the water.

Commissioner Karabatsos asked if they can extend the heating pads and how much noise do the vacuums make.

Mr. McHugh said the heating pads can be extended all the way to Milwaukee Avenue if that's what they want.

Mr. Myefski said he isn't sure about the sound level. They would have to meet the decibel level required by the Village but they plan to go below that. The vacuum is enclosed with sidewalls and absorbing material; they are considering putting an awning on top of it. They can put a roof on it but the system needs to breathe.

Mr. Diamond said the vacuum system can be moved to a different area in the property if need be. It is a touch screen when you pull in. There would be an image/selection. Money is inserted. Once you pay the gate goes up. There is no voice response, no noise.

Mr. Myefski said there is an escape lane in case a vehicle becomes disabled or needs to be removed. It's a safety issue. They need the turning radius because the property is not square.

Chairman Kanelos asked again what percentage of rain water do they have to keep on the property, store it and slowly restrict it into the system.

Mr. Myefski said 100%. The water that may flow from adjacent properties to this property has also been taken into consideration.

Commissioner Schuller said they are putting in a board on board fence. It looks better and lasts longer but it isn't as sound deadening as a traditional fence would be. What can be done to help the residents with the sound?

Mr. Myefski said they will fill in the gaps so even though it looks like a board on board fence, it is actually a solid fence. It looks very nice. It will help with the sound.

Chairman Kanelos said the fence is going to be 6 ft. But the Board could require 7 ft. They are writing a new ordinance and they could make it 8 ft.

Keep in mind if there is a motion, they could require the fence be taller.

Commissioner Karabatsos asked the height of the car wash. Will they allow full size vans?

Mr. McHugh said it is usually 7 ft.

Commissioner Karabatsos said that an 8 ft. fence would cover the car completely.

Mr. McHugh once again said the hours of operation would be Monday through Saturday 7 a.m. until 9 p.m. Sunday 8 a.m. until 6 or 7 p.m. He owns another car wash. The hours were the same at the Chicago location. He doesn't know the percentage of traffic that comes through the car wash in the evening.

Mr. Galati said he isn't a fan of an 8 ft. fence. He thinks they should move the traffic away from the people, not build an 8 ft. fence. He doesn't want to be in a jail like that.

Mrs. Schultes asked where the signage would be located and how high, how bright.

Mr. Myefski said all the signage will have to go through signage approval. He showed on the overhead what signage is proposed and explained the view and lighting.

Mrs. Schultes is confused on the vacuum structure. Can it be moved? Is the plan available to the residents.

Mr. Myefski explained it again. It could be moved to the center but not too far to the front. The Village would not want it all the way in the front. The plan is available to the public at the Village Hall.

There were no more questions from the public or the Commissioners.

Chairman Kanelos then entertained a motion.

Commissioner Karabatsos asked the petitioner is he was maxed for the turning radius at the exit.

Mr. Myefski said yes.

Commissioner Nakanishi moved to **approve** 16-ZP-29 requesting a special use to allow a new car wash business at 9201 Milwaukee Avenue with the conditions there be a 6 ft. fence in the back [inaudible] in between.

Commissioner Schuller made a friendly amendment. That the vacuum containers be moved to the west end of the property.

Commissioner Nakanishi accepted that. Also the northern most exit would be right out only [no left turn]; a plat of subdivision must be approved by the Village before building permits shall be issued.

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

AYES: 5 Nakanishi, Karabatsos, DeBartolo, Schuller,  
Kanelos

NAYS: 0

ABSENT: 1 Dubiel

There being five (5) 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.

Chairman Kanelos called for the next item on the agenda.

**16-ZP-30 - Requesting approval of a 13 foot variation from Village Zoning Ordinance Appendix B, Section VII(B)(10) to allow a proposed addition that will be 27 feet from the rear property line where 40 feet is required at 6818 Lexington Lane, Niles.**

Bruce Sylvester said this is a very simple request. The homeowners wish to put an addition on the back. The zoning code says it needs to be 40 ft. from the rear property line. In the packet is a site plan. It is an irregularly shaped lot. The property is shown on the overhead. A portion of the addition encroaches into that required 40 ft. area. The petitioner wants to tear down the existing sunroom and replace it with an actual addition to the building. Even though the porch was already encroaching, they need to get a variation in order to put up an addition.

Chairman Kanelos asked for the petitioner since there were no questions for Staff.

Mike Shively, Mike Shively Architecture, 220 N. Green St., Chicago came forward and was sworn in. His clients have a beautiful mid-century home that backs up to the forest preserve. They have been diligent in their restoration of the home. The living space is at the front and the kitchen is at the back. They have two

children and would like to spend time in the back. The initial intent was to expand the rear porch. But it ended up to not be an option. They decided to go sideways and the proposed structure would be an enclosed unconditioned slab on grade porch. It is not a conditioned space part of the house. There will still be a sliding door between it and the remainder of the house. They cannot salvage the existing roof structure of the enclosed porch and that is why they are tearing it down and rebuilding it. They are asking for about 10 sq. ft. shown in the triangle on the overhead.

Chairman Kanelos asked how many feet is the cantilevered portion of the property.

Mr. Shively said 27 ft.

Mr. Sylvester showed on the overhead where the homeowners want to go. If they didn't get this variation they would not be able to extend. [All this is being shown and described on the overhead].

Commissioner Nakanishi said she sees a proposed shed in the drawings. Does that conform to the side setbacks?

Mr. Shively said that issue has been resolved as an accessory structure.

Mr. Sylvester said it needs to be 3 ft. from the side, 6 ft. from the rear and 10 ft. from the primary building.

Mr. Shively said they are currently not 10 ft. from the primary building. They will revise the shed to be conforming.

Chairman Kanelos asked if there were any more questions for the petitioner. There were none. He entertained a motion.

Commissioner Nakanishi moved to **approve** 16-ZP-30 requesting a 13 foot variation from Village Zoning Ordinance Appendix B, Section VII(B)(10) to allow a rear addition to encroach up to 13 feet into a recorded 40 foot rear yard at 6818 Lexington Lane, Niles.

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

AYES:	5	Nakanishi, Karabatsos, DeBartolo, Schulter, Kanelos
NAYS:	0	
ABSENT:	1	Dubiel

There being five (5) 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.

Chairman Kanelos called for the final item on tonight's agenda.

**16-ZP-31 - Requesting approval of a 1 foot 3 inch variation from Village Zoning Ordinance Appendix B, Section VII(C ) (8) and a 5 foot 6 inch variation from Section VII(C)(9)(a) to allow a proposed carport that will be 23 feet 9 inches from the front property line where 25 feet is required and that will be 4 feet 6 inches from the side property line where 10 feet are required at 8642 Oleander Avenue, Niles.**

Mr. Sylvester said there is an existing carport at this property. The homeowners wish to replace it with a newer, nicer carport. In order to do that they need to be slightly closer to the front line [about a foot and a half]. The Village ordinance states the carport is part of the primary structure and that it has to be at least 10 ft. away from the side property line. This will be about 4 ft. away from the side property line. They need a variation from the side yard setback and a small variation from the front yard setback. All proper notifications have been handled.

Chairman Kanelos said there are many carports in Niles that are less than 4 ft. 6 in. from the property line, correct?

Mr. Sylvester said yes and he assumes they all received variations..

Chairman Kanelos said he remembers hearing many carports that were less than 4 ft. 6 in. from the property line.

Mr. Ostman said he doesn't know how many but there are many carports around here.

Chairman Kanelos called for the petitioner and asked why he needed 1 ft. 3 in. closer to the front property line?

Bob Golenia, Contractor, 8539 Olcott, Niles, came to the podium and was sworn in. He said they were trying to not make the whole front of the structure look flat. The existing carport is already non-conforming in the front and side. They are going for a 6 in. overhang. There is a 22 in. overhang now. And right now it's flush in front.

It took some time to find out how close the carport is to the front property line.

Chairman Kanelos said the existing carport is already 18 ft. to the south property line. So the petitioner is about the same now as he is proposing to be. He asked if there were any more questions. There were none.

Commissioner Nakanishi moved to **approve** 16-ZP-31 requesting approval of a 1 foot 3 inch variation from Village Zoning Ordinance Appendix B, Section VII(C)(8) and a 5 foot 6 inch variation from Section VII(C)(9)(a) to allow a rebuilt carport to encroach into a required 10 ft. wide side yard and to a required 25 ft. front yard at 8642 Oleander Avenue, Niles.

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

AYES: 5 Nakanishi, Karabatsos, DeBartolo,  
Schulter, Kanelos

NAYS: 0

ABSENT: 1 Dubiel

There being five (5) 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 Karabatsos has a question. Staff knows how homeowners have to give an updated survey and this thing with Niles Township has been going on so long, is there an updated traffic study? Fed Ex is still not at 100%. Once they are, what is going to happen with traffic over there. He said he was on Howard Street near Waukegan with three Fed Ex double wide semis. He is curious if a new traffic study is required.

Mr. Ostman said they required the initial traffic study which was reviewed by Engineering.

Commissioner Karabatsos said they don't really know the impact of Fed Ex until it is running at full speed.

Chairman Kanelos said he is also concerned about that. There have been a couple of meetings. He doesn't know how to address that. They have to figure out what is going to be happening once Fed Ex is up and running. It is a concern.

Commissioner Karabatsos said the initial traffic study was done before there were any trucks involved. Now they probably have 30% moving. Fed Ex hasn't even moved trucks into the parking lot across the street.

Chairman Kanelos said now the Board is expected to assess the situation and they still don't have a good idea of what the impact of Fed Ex is going to be.

Commissioner Schulter said they haven't even come back to say how they are going to stage the buses or if they're going to get approval from Skokie to move more buses. Have they said anything?

Chairman Kanelos said they are working on a plan to present to this Board. He asked them to get it to the Board at least a week in advance. It isn't something he wants them to bring to the meeting or give a few days in advance. It requires everyone to study it so it can't be last minute.

Mr. Ostman said Niles Township told him they need time and are coming in with a proposal. He encouraged the Commissioners to approach the Village consultant, KLOA, which actually did the Fed Ex traffic study, to ask questions. They did project out when it was more operational. Right now it is nowhere near that.

Chairman Kanelos asked if they can request a copy of that traffic study.

Mr. Ostman said absolutely.

Chairman Kanelos then made a request that a copy be sent to each member of the Commission so they can study it.

Commissioner Schulter asked when District 219 actually purchased the property.

Mr. Sylvester said this discussion was not posted on the agenda so it should not be discussed anymore.

## **DISCUSSIONS**

## **ADJOURNMENT**

Chairman Kanelos made a motion to adjourn.

Commissioner DeBartolo moved to adjourn.

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

AYES: 5 DeBartolo, Schulter, Nakanishi,  
Karabatsos, Kanelos

NAYS: 0

ABSENT: 1 Dubiel

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

The meeting adjourned at 9:45 p.m.

Kathleen Janessa, Recording Secretary

The following people want to be notified of the next Board of Trustees meeting:

16-ZP-24

Won Sun Kim, Attorney for Mr. Bobrowski - 847.853.9888

Mr. & Mrs. Janikowski - 719.660.8979 and 719.660.8971 - both cell phones.

Julie Andelin - 773.322.3600

Nina Laspina - 224.639.3923

16-ZP-29

Thomas McHugh, Jr. - 773.817.1300

Marge Schultes - 312.493.0488

Leo Galati - 847.966.4407

Helen Markovich - 847.581.0572

16-ZP-30

Mike Shively - 220 N. Green St., Chicago - need phone number

16-ZP-31

Bob Golenia, Contractor - 847.581.1446