

VILLAGE OF NILES

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



Approved Meeting Minutes

Monday, October 3, 2016

7:00 PM

Village Hall

Planning and Zoning Board

Chairman

Thomas Kanelos

Members

Susan DeBartolo

Morgan Dubiel

Ted Karabatsos

Barbara Nakanishi

Thomas Parala

Robert Schulter

Angelo Troiani, Emeritus
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: 6 Chairman Thomas Kanelos, Commissioners Ted Karabatsos, Susan DeBartolo, Robert Schuller, Thomas Parala and Morgan Dubiel.
ABSENT: 1 Commissioner Barbara Nakanishi

Also present was Director of Community Development Charles Ostman, Senior Planner Bruce Sylvester, Village Attorney Danielle Grcic and Commissioner Emeritus Angelo Troiani.

Commissioner Schuller is Acting Secretary for tonight's meeting.

Chairman Kanelos welcomed a new Commissioner to the Zoning Board, Thomas Parala.

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of August 8, 2016. There were none.

Commissioner Dubiel moved to **approve** the minutes of August 8, 2016.

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

AYES: 6 Dubiel, Karabatsos, DeBartolo, Schuller, Parala, Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

There being six (6) 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.

NEW BUSINESS

16-ZP-33 - Requesting approval of a variation from Village Ordinance Section 18-323(a) to allow a proposed fence that will be erected extending beyond the front building line to a street at 6300 Howard Street, Niles.

DISCUSSIONS

Interpretation of Table 8-1; Use Matrix, and Table 9.4: Permitted Encroachments.

ADJOURNMENT

Chairman Kanelos announced in light of the fact that "OLD BUSINESS" items will probably take up much of the evening, he is calling for the only item of "NEW BUSINESS" on tonight's agenda.

NEW BUSINESS

16-ZP-33 - Requesting approval of a variation from Village Ordinance Section 18-323(a) to allow a proposed fence that will be erected extending beyond the front building line to a street at 6300 Howard Street, Niles.

Bruce Sylvester presented this case. This is a variation from the building code. Ordinance Section 18-323(a) prohibits fences in front yards. However in the manufacturing district it specifically says Ordinance Section 18-324 a variation can be requested from this building code regulation to the Planning and Zoning Board. Woodward recently consolidated their operations to an expanded building at 6300 Howard. Since the building sits back so far from the front street, this request is more than just a front yard. It is the entire space between the front of the building and the front property line. An aerial view is on the overhead showing the position of the building. To the west of the Woodward building is an industrial area that houses several sports businesses including a volleyball facility, a trampoline business and possibly some others. Woodward explained many people attending events in the building to the west are parking in Woodward's lot. If the requested fence were 6' to the west, it would be on the property of the industrial building and would not require a variation. It would technically be considered a side yard fence. Woodward approached the property owner to the west to see if the fence could be erected on that side of the line but

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.

Chairman Kanelos called for the next items of "OLD BUSINESS" on tonight's agenda.

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.

Mr. Sylvester said this item has been in front of the Board previously. It was tabled so the applicants from District 219 could make revisions and changes to their Traffic Management Plan. He will point out a couple of things to refresh peoples' memory about this particular case and the two that follow. These applications were made when the previous zoning ordinances were in effect, therefore they are being reviewed and processed under the previous zoning regulations. Also, this is one of three related cases; all of them are on the agenda tonight. This first one is the special use permit that would need to be approved in order for the school district to store buses outdoors on the site. The second one is a variation from the Village's landscape requirements. In order to get the buses on site, the district will not be able to provide all the landscape requirements as required. The third item is a plat of consolidation. The existing area is unplatted. At the Village's request, District 219 did modify their proposed Traffic Management Plan. It was sent to the Village's outside traffic consultant, Mr. Aboona. It was also reviewed by Village Engineer Tom Powers. Both are present tonight. In general, they believe it is a much improved plan and a lot of concerns have been addressed.

Chairman Kanelos had a question regarding the critical issues in compliance with the Village's Comprehensive 2030 Plan. Does Staff have any comments?

Mr. Sylvester said the 2030 Plan has a lot of goals. First is to put back into productive use vacant or under used land. That would be accomplished. There are other goals. Staff feels it meets some of the goals of the plan.

Mr. Ostman is agreement with that as well.

Chairman Kanelos asked if Staff has a recommendation.

Mr. Sylvester said as discussed in previous meetings, Staff is moving away from recommendations. They are leaving those to the appointed officials.

Commissioner Schulter asked Mr. Powers if he feels the petitioner met his concerns.

Mr. Powers said it isn't perfect but it works. The district has agreed to work with the Village to make things work.

Chairman Kanelos asked how will that be enforced.

Mr. Powers said there are items outlined in the Traffic Management Plan. See item 15 in the Gewalt Hamilton Traffic Management Plan. This plan has been reviewed by Mr. Aboona as well. If stipulations are not being met, they would work with operational staff to make adjustments. If unsuccessful, then item 16 would rectify the problem in a more official capacity.

Chairman Kanelos said they've reduced the number of parking spots on the one lot. There are 112 spots for staff. What happens if there are buses parked in the unused spots on the other side. Can the Village issue fines or warnings? What constitutes a breach of non-compliance with the special use?

Mr. Ostman said they would reach out to the District and notify them if they weren't in compliance. If nothing was done he would have to contact the Village Attorney or refer them back to the Zoning Board and possibly revoke the special use.

Chairman Kanelos said if they agree to the TMP (Traffic Management Plan) the only way to revoke it is to go through the process of 30 days to review the violation then 120 days to resolve it. As that process is moving along, is there a way to write a citation and a fine?

Mr. Ostman said if that time occurred he would have to refer it to the Village Attorney.

Village Attorney Grcic said if there is a violation of the special use you can cite them. But since there is a specific process outlined, this is the process that has to be followed.

Chairman Kanelos said then it looks like the only recourse is after 150 days, if they aren't compliant, the Board can revoke the special use. In the meantime nothing can be done less drastically to nudge the District.

Ms. Grcic said there would be notification if there is a violation of the special use but at that time the school district has the right to invoke this process.

Chairman Kanelos asked if there is any way to put a condition on this to encourage the petitioner.

Ms. Grcic said you could add a condition. Another way to add a fine would be as a violation of the zoning code. That would be per the appendix of the new code. Community Development would still be able to write the ticket and ask for the fine.

Commissioner Dubiel asked for an explanation of item 15 in the Village Engineer's report. [This is shown on the overhead.]

Mr. Powers said following one year of operation, there would be another traffic study. Technically the Village is frozen out in determining if the traffic flow is working or not. There are going to be bugs. Once they are up and running they expect it to be running smoothly. This would be after 365 days. In the meantime, they would be required to stick to the stipulations of this plan.

Commissioner Dubiel said after 365 days, if District 219 feels the Village of Niles is wrong, then there is no mutual agreement and they can continue on past the 365 day period following the same traffic plan, correct?

Mr. Powers said it sounds like a legal question.

Ms. Grcic said that could be correct.

Chairman Kanelos said if there is a violation of this agreement prior to 365 days, they would be subject to item 16. But if the traffic flow isn't working there would be no way to force a change perhaps ever.

Commissioner Dubiel said there is no way to change the TMP according to the document. He has a lot of concerns about this particular plan. He wants to continue on item 15 because it seems they have a free ride for 365 days. If they refuse to change the TMP then there is an option requiring them to reverse the most recent version of the TMP. But there is only one TMP for the 365 days, so item 15 doesn't trigger anything at all.

Mr. Powers said correct. This would only change by mutual agreement.

Commissioner Dubiel said he knows once a special use is approved it is very hard to correct it.

Chairman Kanelos said it is reasonable to assume it will take 12 months to see if this is working. If item 15 were changed to say TMP change is deemed necessary by the Village Engineering Staff, that would alleviate Commissioner Dubiel's concern, correct?

Commissioner Dubiel said if the words "mutual agreement" were removed, it would be up to the Village if the traffic plan is working or not. As it is now it would work very well for the school district but terribly for commuters and other businesses in the area. That is his major point.

Commissioner Schuler said he would like to see item 11 changed to 6 months. He thinks that is an adequate amount of time for the school district to see if the plan is working.

Chairman Kanelos asked would it be more fair to go through an entire calendar year with all the seasons.

Commissioner Schuler said there won't be buses during June, July and August. Right there you are missing out. Either 6 months or half of the school year.

Commissioner Dubiel said reviewing the traffic plan and the number of spaces, given the volume of buses and employee parking, is there a concern that during snow this parking area would be overloaded and able to manage the snow.

Mr. Powers said the district has plans to haul snow off site.

Chairman Kanelos asked the Village's traffic consultant to come to the podium.

Luay Aboona, KLOA, 9275 W. Higgins Road, Rosemont, IL, came forward and was sworn in. He said he has been working with Mr. Powers in reviewing the TMP. It is an improvement over the last plan. It reduces the number of buses, eliminates access on Howard St., eliminates the crossings at Howard St. the way he interprets the TMP. The access will be on Gross Point Rd. It spreads out the load on the area streets and the railroad crossings. They did do most of the things that were suggested. In his opinion it is a big improvement. There are some questions and clarifications as well.

Chairman Kanelos asked to go through those items on the KLOA report in the Commissioners' packets. Mr. Aboona has 'no comment' shown on several points. Is it safe to say he is satisfied that they are acceptable?

Mr. Aboona said that is correct.

At this time there was lengthy discussion on items in KLOA report and whether (1) 45 or 47 buses are parked. (2) Also if departures throughout the day for various activities were quantified. (3) Some buses not returning after morning

drop off but if they do return they must follow traffic plan. Same with number (4). (5) No comment. (6) Six bus crossings across tracks. Not sure if that is per day or per departure and arrival. Also not seeing any Howard St. crossings on the map.

Chairman Kanelos said if this document is passed and they don't show any crossings at Howard St. but they start doing crossings there, as long as they don't do more than six they are in compliance, correct?

Mr. Aboona said yes. (7) Some buses may use Village of Niles streets on their routes. If that could be clarified, it would be helpful. (8) Need additional information regarding late starts. (9) Is the biggest concern. Need to come up with some kind of staggering of buses at departure. (10) is clarification. (11), (12), (13) - No comment. (14) Question regarding intersection of Gross Point and Caldwell. Need to know frequency. (15), (16) - No comment.

Commission Dubiel had questions for Mr. Aboona regarding the above points.

More lengthy discussion.

Commissioner Karabatsos asked how accurate the 2013 traffic study for FedEx is.

Mr. Aboona said they have not done a follow up study.

Mr. Sylvester said FedEx is at approximately 50% capacity and would probably operate at that level most of the year. Their peak times would be November and December at about 95% capacity. They didn't get into numbers as to how many of those trucks cross the tracks at Howard St.

Mr. Aboona said the original school district traffic study did take into account the traffic coming out of FedEx. Regarding (11) perhaps there could be some kind of limited traffic study half way through the school year to see how all this is working out. If changes need to be made, they could be done before the start of the next school year. The \$10,000 escrow may be sufficient to cover two limited traffic studies. He doesn't see how this facility is going to cause a major traffic impact. It has more to do with how frequently buses are leaving and the staggering of buses.

More discussion about the flow of traffic among the Commissioners, Mr. Aboona and Mr. Powers.

Commissioner Dubiel asked if this facility were east of the railroad tracks, would there be the same concerns.

Mr. Aboona said the majority of the students live east of the tracks so there wouldn't be as much of a concern.

There were no more questions for Mr. Aboona.

Chairman Kanelos asked the petitioners to come forward.

Eric Trimberger, Assistant Supt. for Business Services for District 219, 7700 Gross Point Rd., Skokie and Tom Rychlik, Gewalt Hamilton Traffic Engineers, 625 Forest Edge Dr., Vernon Hills, IL 60090 came forward and were sworn in.

Chairman Kanelos asked them to review the items that were in question from Mr. Aboona. (2) Need more detail about departures. (3) If buses do return they need to adhere to the traffic pattern. Is that acceptable?

(6) Regarding the number of crossings each way in the morning and evening.

(7) Use of Village of Niles streets. (8) Late starts. (9) Staggering issue.

(10) Between 12 and 15 late arrival buses.

Mr. Trimberger said (2) some buses pair with a few elementary schools in the district. That would cover two taxing bodies. These would be buses that have already completed the morning route and then come back, go out again around 11:30 for kindergartners to be taken home then pick up afternoon kindergartners for drop off at schools. (3) Yes. (6) [difficult to understand reply.] Typically 6 buses to and from in the morning and 6 to and from in the afternoon daily. To clarify it would be 6 round trips a.m. and p.m. at Howard and at Touhy. They are still trying to avoid those intersections. (7) There are students at Niles West in the Village of Niles that need to be picked up. Also children at Culver School in Niles. They would do the Niles West routes first then go back and do the Culver routes. In the afternoon Culver is first, Niles West is after that. (8) Once a month there is a late start for Niles West; also there may be a late start because of inclement weather or other non-scheduled events.

The route maps are now on the overhead. They are working on the final verbiage in case this gets resolved tonight.

[Mr. Trimberger is difficult to understand at the microphone.]

They are now discussing the staggering plan.

Chairman Kanelos is explaining 5 buses going out as quickly as possible and then a 90 second pause until the next 5 buses go out. Is that something the district can live with?

Mr. Trimberger is deciding. There are no time issues getting out of the lot adjacent to Niles Township High School at the present time. There are 75 buses there now. They will be moving 47 buses to the location on Howard St. But they have no idea where the balance of the buses will be stored.

(9) Late arrival buses - already discussed above. (10) More late arrival information.

Commissioner Schuler addressing (11). What about changing the time of the review process to 6 months of the school calendar year.

Mr. Trimberger said if you start in August.....

Mr. Rychlik said they still have to build the facility. If it is approved in October it would be operational in school year 2017/2018.

Mr. Trimberger affirmed it would be operational for the 2017/2018 school year. That is not a problem.

Commissioner Schuler said then that brings it to March 2018 (1/2 the school year). So (11) is changed to 6 months for review, not 12 months.

Now discussion has turned to Caldwell/Gross Point intersection as part of (14).

Ms. Grcic said she is keeping up with the notes to make some red line changes and incorporate them. She can do that now while they discuss other items.

Commissioner Dubiel said (15) is vague.

Mr. Trimberger said 25% of their population changes each year. They had to add routes this school year. They want to be good partners with the Village.

Chairman Kanelos said the Commissioners have to get this right because this is something everyone has to live with for a long time. He then read the new verbiage for (15). Notwithstanding time constraints in paragraph (11), if changes to TMP are deemed necessary by the Village Engineering Dept., the Village shall notify the school district in writing upon service of the defect notice, the Village and school district shall amend the plan by mutual agreement within 30 days to cure the defects. In the event a mutual agreement cannot be made to address the defects, the school district shall suspend operations related to the defect notice until determination is made by an independent traffic consultant to mitigate the traffic impact issue.

Ms. Grcic said it gives a process for the Village to notify the school district. And they would have to notify the district with specific defects found in the plan. She explained how the process would work.

Mr. Trimberger said they have a statutory obligation to transport the students. He can't predict what may happen. But they want to be good partners.

Mr. Rychlik said if something happens in this defect discussion, if it is a quantifiable defect, he and the Village Engineer could work through it.

Commissioner Dubiel said everyone wants this plan to work but the Village has to have some teeth. There are sometimes when people say no.

Ms. Grcic said she can work through it.

Commissioner Dubiel said he is happy to reconvene even if it means coming back next Monday.

Chairman Kanelos said they would need a week to have time to get the results of the next meeting to the Board of Trustees in a timely manner. That would be next Monday, October 10. All of Mr. Aboona's concerns have been addressed.

AT THIS TIME THERE IS A 38 MINUTE RECESS.

Ms. Grcic is working on rewriting the different points during this recess.

Chairman Kanelos thanked the Village Attorney for rewriting this and now she will walk everyone through it.

Ms. Grcic then read the points that were revised or remained at no change.

Commissioner Dubiel said he felt the attorneys are at a disadvantage.

Chairman Kanelos said if the district wants, they can have time to study the revisions and come back again.

Mr. Trimberger said he is concerned that after spending \$4 Million of taxpayers' money, something unforeseen may happen that would have an adverse affect to the health, safety and welfare to the Village of Niles.

Ms. Grcic said in order to revoke the special use they would have go through a hearing. There is due process.

Chairman Kanelos asked Mr. Trimberger if he feels his attorney has to look at the agreement.

Mr. Trimberger said yes.

Chairman Kanelos said let's run through it, get the changes the Village is requesting and then **table** this request.

There was more discussion on the rest of the items Mr. Aboona submitted for review.

Mr. Sylvester said it is Columbus Day but it is not a holiday for the Village.

Chairman Kanelos asked if it was possible to meet next Monday, October 10, since it is a holiday. They will have a copy for Mr. Aboona to review and he will send it back to them by next Monday. All the Commissioners are available on that date. He entertained a motion to

table items 16- ZP-20, 16-ZP-21 and 16-ZP-22 until 7:00 p.m. Monday, October 10, 2016. **

Commissioner Dubiel said so moved.

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

AYES: 6 Dubiel, Karabatsos, DeBartolo, Schuller,
Parala, Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

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

** Notification was sent out Wednesday, October 5, 2016 that there will be no meeting Monday, October 10, 2016. [Columbus Day]. Open public meetings are not allowed due to the fact it is a national holiday. These zoning items will be taken up at the next regularly scheduled meeting Monday, November 7, 2016.

DISCUSSIONS

Interpretation of Table 8-1; Use Matrix, and Table 9.4: Permitted Encroachments.

Bruce Sylvester began this discussion. Staff was looking for feedback from the Commissioners on two land use issues. For tonight they will skip the issue of leasing individual rooms within a building. Tonight they would like verification about what types of repair businesses will be allowed in which zoning districts such as lawn mower repair, firearms repair, electric motor repair, etc. The second issue would be clarification on temporary sales such as sports souvenirs that people sell here, there and everywhere. The third item would be the issue of permitted encroachments. The new zoning ordinance states in required yard areas certain things are allowed to be placed in those yard areas.

When the new land use table was created, all kinds of categories were addressed. He will take responsibility for leaving out one kind of land use within the table. That would be "repair facility". Two issues came up recently of people wanting to repair things and would like to know where their business can go. One of those issues was firearms repair. Nowhere is it listed in the land use table. If it is not specifically listed, then it is prohibited.

It is Staff's opinion, with the specific issue of firearms repair, and where indoor firing ranges are allowed, he recalls it was discussed only in the manufacturing district would that type of indoor firing range be allowed and it makes sense. The new zoning ordinance does have rules for indoor firing ranges but it is silent on indoor firearms repair. One thing to consider would be to add language to the ordinance that would say firearms repair is only allowed where indoor firing ranges are allowed. For the other type of a recent question of small engine

repair, it might be considered to be allowed in more areas of the Village; or it could be limited to just manufacturing districts.

Chairman Kanelos said right now there are two types of firearms facilities. One is allowed in retail and the other allowed in manufacturing. He thought schools were allowed in commercial.

Mr. Sylvester said schools, where there is no shooting..... Included in the packet is a copy of the table. Firearms sales is a special use only within the manufacturing district. There is a firearms training school that is an educational facility in the business district and that's how it was approved - because it is an educational facility. It is at Milwaukee and Howard and there are no firearms on site. It is zoned C3 - mixed use commercial. That was approved under the previous zoning. Under the new zoning, schools would not be allowed in the C3 district. So the question tonight is where can someone do firearms repair. There needs to be a text amendment as to where this would be allowed with or without a special use permit. Staff's thought would be since they limited sale of firearms and indoor firing ranges to the manufacturing district and both require special use permits, firearms repair would be similarly treated.

Commissioner Dubiel stated the Illinois concealed carry law says guns can be carried all over unless formally marked at the entry way 'no guns.' Why would you limit the repair to only the manufacturing district when guns can be all over the place in the C1 district. So suddenly repairing them is a greater danger than if one is walking around with a gun in the holster.

Mr. Sylvester said that argument could certainly be made. What they are looking for is feedback on this issue. Where in the Village would the Board allow the repair of firearms and would the Board like that to require a special use permit or be a permitted by right. Right now the ordinance has already limited two firearms uses to the M district.

Commissioner Dubiel said two years ago when the firearms/M district issue was set up, there wasn't a concealed carry law in Illinois. It has since passed.

Chairman Kanelos thinks it was already passed or close to passing. Prior to passing the gun range request, this Board passed the school that taught firearms training. The owner of the training school here takes his students elsewhere for the actual firing of the weapons. He feels the repair business could be allowed in both districts - C & M. However still keep it a special use.

There was discussion on this issue.

Mr. Ostman said if the Board wants to allow repair of weapons within the C3 district, under the use standards it could be stated you're not allowed to fire the weapon.

Commissioner Schuller is concerned about public reaction.

Mr. Sylvester said he is hearing that detail should be added as to where firearms repair will be allowed. It would be a special use in the M district and the area where there are vocational schools - the C2 and C5 districts. Also it would not allow any onsite firing. In the old zoning ordinance, schools were allowed in B2 with a special use. The new zoning changed everything on Milwaukee Avenue to C3 and now it does not allow vocational establishments in the C3 district. So the business at Milwaukee and Howard is allowed because he applied under the old zoning.

Commissioner Dubiel asked if it would be possible to have a standalone business.

Commissioner Schuller ask if anyone knew of a firearms repair business that doesn't also sell guns. Usually if they are repairing guns, they are also selling guns.

Chairman Kanelos said it's irrelevant because they will not be allowed to sell guns.

There is a lot of back and forth discussion on this topic among the Commissioners and Staff.

Mr. Sylvester said then the text change would state this type of business requires a special use permit and would be allowed with such permit in the M, C2, C3 and C5 zoning districts and would be limited to allowing no onsite firing.

Chairman Kanelos polled the Commissioners. Everyone was in favor except Commissioner Schuller. Now this will be included in a draft text amendment that will hopefully be voted on in January 2017. There are other text amendments that will be addressed then as well. He asked if Mr. Ostman is suggesting they put all repairs together and have a text amendment that allows repairs of tools and machinery..... would that mean every repair shop would require a special use.

There was more discussion on repairs with certain conditions.

Mr. Sylvester summarized. Indoor repairs are permitted in the M, C2, C3 and C5 districts - if it does happen to be firearms, there can be no indoor firing under permitted use. Any repair that involves outdoor work, such as engines, would require a special use permit in those same zoning districts.

Chairman Kanelos polled again. Everyone was in agreement.

Mr. Sylvester said the second issue is the zoning ordinance that prohibits temporary sales of souvenirs on street corners, in an empty lot or such.

That ordinance will be upheld per agreement of the Commissioners.
The third and final item is the category of permitted encroachments. One of the things allowed in a required yard is lawn decorations and lawn furniture. That is the specific language in the ordinance. On the overhead are pictures of houses that have these types of decorations. One has a very large fountain and two benches.

Chairman Kanelos asked if there was a permit to put this up. It looks like it is sitting on some kind of slab. It is over the top, that's for sure.

Mr. Ostman said it required only an electrical permit which the owner did not get. The question here tonight - is that lawn furniture and/or lawn decoration? They may want to amend this zoning code.

There is much discussion about this.

Chairman Kanelos polled on whether the Commissioners considered this large fountain in compliance.

Commissioner DeBartolo said since it cannot be moved, she doesn't consider it in compliance. She feels it is a permanent structure.

Chairman Kanelos said it meets the code because nowhere in the code does it say it has to be moveable. Yes, it complies. The electrical portion is a building code issue, not zoning.

ADJOURNMENT

Chairman Kanelos made a motion to adjourn.

Commissioner Dubiel moved to adjourn.

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

AYES: 6 Dubiel, Karabatsos, DeBartolo, Schuller,
Parala, Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

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

The meeting adjourned at 10:25 p.m.

Kathleen Janessa, Recording Secretary