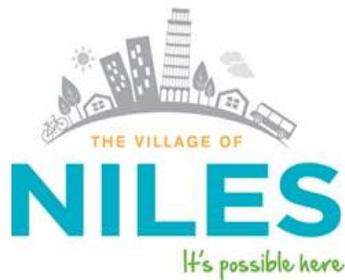


# VILLAGE OF NILES

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



## Final Approved Meeting Minutes

Monday, February 4, 2019

7:00 PM

Village Hall

## Planning and Zoning Board

### Chairman

Thomas Kanelos

### Members

Susan DeBartolo

Morgan Dubiel, Vice Chairman

Ted Karabatsos

Terrence McConville

Barbara Nakanishi

Robert Schulter, Secretary

Charles Ostman, Community Development Director

**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:           7       Chairman Thomas Kanelos, Commissioners Ted Karabatsos, Susan DeBartolo, Robert Schulter, Barbara Nakanishi, Terrence McConville and Morgan Dubiel.

Also present was Director of Community Development Charles Ostman and Village Attorney Danielle Grcic. Commissioner Terrence McConville arrived at 7:20 p.m. after approval of minutes from December 3, 2018 and approval of reversing the order of business this evening.

**APPROVAL OF MINUTES**

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of December 3, 2018. There were no additions, clarifications or corrections.

Commissioner Dubiel moved to **approve** the minutes of December 3, 2018.

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

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

NAYS:           0

ABSTAIN:       1       Dubiel

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

Chairman Kanelos noticed there were several places in the December minutes where the recording was inaudible and therefore could not be transcribed. He asked if they are not speaking clearly.

Charles Ostman, Director of Community Development, said Staff is working on using a better recorder. He also asked if the Commissioners would please remember to speak clearly into the microphones and remind members of the public and petitioners speaking at the podium.

Commissioner Nakanishi suggested that people coming to the podium actually hold the microphone when they speak as opposed to leaning into it.

Chairman Kanelos said there was a request to flip the agenda so that new business would precede old business since the new business should go very quickly. He then entertained a motion to reverse the agenda taking 19-ZP-1 before 18-ZP-28.

Commissioner Nakanishi moved to **approve** moving hearing 19-ZP-1 ahead of 18-ZP-28.

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

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

NAYS: 0

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

### **NEW BUSINESS**

#### **19-ZP-1; Avis/Budget; 8526 Golf Road**

**A request for a Special Use permit to allow a ‘Vehicle Rental’ business to be located at 8526 Golf Road, Unit Q, Niles, Illinois 60714, as allowed by the Village of Niles Zoning Ordinance (Appendix B, Section 8.2(A)).**

Charles Ostman presented this case. This is a Special Use request by Avis/Budget rental for the property at 8526 Golf Road. Legal notices have gone out in the proper time frame. The applicant is here tonight to answer questions. This business would be located in the Golf-Milwaukee Plaza where there is ample parking. All the departments have reviewed this request and see no concerns regarding this particular location.

Chairman Kanelos asked how rental cars are accounted for in facilities such as this [vehicle rental] where parking requirements are 3 per 1,000 sq. ft. He asked if this parking requirement should be looked into.

Mr. Ostman said that is what the ordinance says: 3 per 1,000 sq. ft. It does not give any additional information for having more spaces for rental cars. This is something the Commissioners could look into. In his opinion this is a good location for the proposed use, but he has seen other locations that clearly do not have enough stalls for the actual rental cars. In the past for other Special Uses like this one, they would leave the parking requirements up to the Plan Commission instead of giving a hard set number.

Chairman Kanelos asked if they should proceed and make a special request to the Director.

Mr. Ostman answered yes and he will take it to the Building and Zoning Committee before it comes back before the Planning and Zoning Board.

Commissioner Dubiel had a concern regarding the first standard for Special Use with the idea of the spirit and intent of the zoning ordinance. They ask that the applicant to answer that question. He has never seen the applicant answer simply “yes.” How else would they answer? What is the spirit and intent?

Chairman Kanelos said if that was not there, there would be no addressing it and there would be no place for the Commissioners to agree or not.

Commissioner Dubiel said they could have the Special Use not in a conflict with the zoning ordinance and other adopted Village land use policies and that would give the applicant and the Board a higher standard. This is the law they are trying to give.

Village Attorney Danielle Grcic said the applicant is required to answer the questions as he or she understands them. It then comes down to the Commissioners determining if there have been enough facts presented to support the conclusion of the applicant.

Commissioner Dubiel asked if the applicant has to record in writing what is the spirit and intent.

Attorney Grcic said that would come up in the findings of fact.

Commissioner Dubiel said let’s say I have a finding of fact that says this is inconsistent with the spirit and intent; it goes through and is denied by the Board then someone takes it to a lawsuit. Now let us say he is in front of a judge who says “Commissioner Dubiel, what do you mean when you say consistent with the spirit and intent?”

Attorney Grcic asked if this is being brought up because the applicant is here tonight.

Commissioner Dubiel said no, he feels it should be brought up for future discussion since we already brought up something else to discuss [rental car spaces].

Chairman Kanelos asked Mr. Ostman to consider this a formal request to look into some parameters to allow for rental car stock and also clarification of the first point of the Special Use requirements. He asked if there were any more questions for Staff from the Commissioners.

Commissioner Dubiel asked for confirmation that the number of parking spots needed for this business is adequate in this lot.

Mr. Ostman said yes, that is his strong opinion.

Chairman Kanelos said the public will be allowed to ask questions after the petitioner has presented his case. He asked the petitioner to come forward to be sworn in.

Michael Beliveau, District Manager Avis/Budget, 4000 N. Mannheim Rd., Franklin Park, IL, came to the podium and was sworn in. He had nothing to add except they want to be able to take care of customers in this area. It is basically a storefront with six or seven vehicles parked there at any given time.

Chairman Kanelos said the application stated no more than fifteen vehicles would be on premises at one time.

Commissioner Schuller asked if customers would be able to leave their vehicles in the back since the rental cars will be parked in front.

Mr. Beliveau said they do not allow customers to leave their personal vehicles at any of their stores.

Commissioner Dubiel said Mr. Beliveau stated it is necessary for the public convenience, correct?

Mr. Beliveau answered yes.

Chairman Kanelos said just for the record 1,142 spots currently at Golf-Milwaukee Plaza meet all the requirements for the businesses in that center.

Mr. Ostman said yes.

Chairman Kanelos asked if there were any questions from the public. There were none so he entertained a motion.

Commissioner Dubiel moved to **approve** case **19-ZP-1**, a request for a Special Use permit to allow a 'Vehicle Rental' business to be located at 8526 Golf Road, Unit Q, Niles, Illinois 60714, as allowed by the Village of Niles Zoning Ordinance (Appendix B, Section 8.2(A)). As findings of fact, the Special Use does meet the spirit and intent of the zoning ordinance, the adopted Comprehensive Plan and other adopted Village land use policies. It will not endanger the public health, safety and welfare. It is compatible with

general land use of adjacent properties and other property within the immediate vicinity. The proposed Special Use is deemed necessary for the public convenience at the proposed location.

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

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

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

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate this recommendation. 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 and anyone in the audience who would like to be informed of the Board of Trustees date should leave their name and address with the recording secretary.

## **OLD BUSINESS**

### **18-ZP-28; Grosse Pointe Manor; 6601 W. Touhy Avenue Continued discussion of a request to allow an amendment to an existing Special Use for a 'Residential Care Facility' to allow an addition to the building which will create 21 additional beds.**

Chairman Kanelos said the Trustees have questions regarding parking and they asked that this Board looks further into it to make sure granting this request does not create a problem with parking. He asked Mr. Ostman the following question. At the December meeting he saw a request of 20 beds then 19 and now 21.

Mr. Ostman said the request has always been 21 beds.

Chairman Kanelos said that requires 10 additional parking spots beyond what they now have.

Mr. Ostman said a concern is with the valet service and where they will take and park these extra cars. He did ask the police to go there on Saturday and Sunday and take a count of cars. The police saw no problem on Saturday. They did not do a count for Sunday. The applicant has asked for a continuation until next month's Planning and Zoning Board meeting [March]. At that time Mr. Ostman will have a better count from the police on Saturdays and Sundays. Another concern that has been raised is street parking. After speaking with the applicant, she said she has been able to handle cars within the lot and not spill over onto the street. However, if

there are too many cars, they might be blocking emergency lanes and that simply cannot happen. Those lanes must be open at all times for emergency vehicles.

Commissioner Schulter asked if the residents will be notified about another Board meeting for this case.

Mr. Ostman said the residents who attended the meeting in December and asked to be notified of the Board of Trustees meetings will be notified again regarding the continuation of this meeting. He will notify them in time for the next meeting.

Commissioner Dubiel asked if that block along Harts Road has restricted parking.

Mr. Ostman said that block has restricted parking only where there is a curb and once past the curb you are allowed to park on Harts Road. It is probably 100 ft. He will provide more details at the next meeting.

Commissioner Dubiel said most of the residences along Harts Road have garages. He asked if there is a regular parking problem along Harts such as certain hours, perhaps daytime or a crunch at nighttime. The applicant needs 10 spots but will there be a written agreement for all 10 or not.

Chairman Kanelos said that is a good question to ask the neighbors if they come to the next meeting. There were no more questions for Staff from the Commissioners. He asked for the petitioner to come to the podium.

Sherry Mauer, owner, Grosse Pointe Manor, 6601 W. Touhy Ave., Niles, IL 60714 came forward and was sworn in. She requested this case be continued until next month because she is using a shared parking facility and that representative was not able to meet with her parking contractor before tonight's meeting.

Chairman Kanelos will ask for a motion regarding the continuance of this case, but right now he said the Commissioners may have questions that would help her prepare for next month's meeting. He asked Ms. Mauer if she secured a location that will give her a contracted parking agreement and is it going to be recorded against their property? That means the agreement stays with the property so if that person sells the property they still have to allow her to park those vehicles there [whatever the agreement is for the number of cars.]

Ms. Mauer said she understood.

Commissioner DeBartolo asked where the valet signs are placed. She did not see any signs when she went there Sunday around 3:00 p.m.

Ms. Mauer said the valet service is not there on Sundays because traffic is very low on the weekends.

Commissioner DeBartolo said every spot was full on Sunday at 3:00 p.m. There were no available spots. She asked Ms. Mauer if she would start valet service on Sundays.

Ms. Mauer said she was not aware of anything special going on this past Sunday. It is typical for the lot to be 65% to 75% empty on the weekends and also after 3:30 p.m. on weekdays. If necessary, she would implement valet service on Sundays.

Commissioner DeBartolo would still like to know where the valet signs are placed. She was there another time and did not see any signage however she did see a valet desk inside the building.

Ms. Mauer said at the entrance near two grey pillars there is an A-frame sign about 4 ft. high. There is another sign as you pull forward past the entrance area. Those two signs belong to the valet company and say valet parking is complimentary. There is another sign that requests all visitors, vendors, etc. to park in the parking lot and not on the street. She added they want to be good neighbors to those living along Harts Road. Ms. Mauer stated she met with the Trustees on the third Wednesday and she actually brought the sign to show them it says not to park on Harts Road. The valet signs are out between 7:30 a.m. and 3:30 p.m. Monday through Friday.

Commissioner Nakanishi said she is not surprised to hear Commissioner DeBartolo say the lot was full on Sunday. However, she is surprised to hear Ms. Mauer say the lot is mostly empty on the weekends. She feels that is the time when most visitors would be there visiting loved ones.

Commissioner Dubiel said he went by the nursing home Sunday as well about 4:20 p.m. and the lot was just about empty. He verified with Mr. Ostman that anyone can park on Niles streets unless there is a restriction or necessary parking permit involved.

Mr. Ostman said yes, but if it is a condition of the Special Use or variation, that would be a violation.

Chairman Kanelos said if this Board was to give a variance without specifically requiring them to have parking off-street, then they could park

anywhere. If that is the case, we do not have to give the variance for an extra 21 rooms and the parking and they don't have the ability or right to do both. If they want to have a variance outside the parameters that are set up, they may have to agree to give up other rights.

Commissioner Dubiel said he understands that the Board would restrict them. However they do not have any control if he is a visitor and does not want to have the valet park his car, he can do so. It is his personal choice but he agrees there needs to be restrictions on this because of the....

Chairman Kanelos interrupted and said if people do that, the nursing home pays the price because this Board can rescind the variation. He asked clarification on this from Mr. Ostman. He further stated that if there is continued violation by people visiting the nursing home and people park where they should not...

Ms. Grcic interjected that it would be a violation of the approvals granted.

Commissioner Dubiel said it is unenforceable. He asked how the Village can enforce where he parks if he chooses to park on the street. That spot does not belong to Niles. It is open to anyone who wants to park there.

Chairman Kanelos said if you make it a condition the nursing home is agreeing to it. We are not here to help them figure out how to circumvent the rules in Niles.

Commissioner Dubiel said he is not suggesting that.

Chairman Kanelos said the fact remains it is a condition of approval, if this Board approves it, and they can lose their approvals, right Chuck?

Mr. Ostman said yes.

Ms. Grcic also said yes. There is a process that has to be followed and it would ultimately come back to this Board for revocation of that Special Use or variance. To clarify, you as the Board have the authority to make a determination of this Special Use request. When making a determination, you cannot put conditions on the relief that was sought. If the condition is to require alternate parking and it is approved and passes, it is now the obligation of the applicant to adhere to that condition. If there is a neighbor who calls five times a day and says "I see this happening...so and so is parking on my street again and again" and Community Development or the police department find out, Community Development can write a violation of

the Special Use or the police can ticket for a vehicle code; either way it is a violation of the Special Use.

Commissioner Dubiel said he agrees; however, it would be better solved by the Village with limited parking in that area.

Chairman Kanelos said that is out of order. Maybe it is a good suggestion but out of order and irrelevant in this case.

Commissioner Dubiel said it is not.

Chairman Kanelos said it is out of order.

Commissioner Nakanishi had a similar question.

Chairman Kanelos ruled that out of order as well. Right now he would like to give Ms. Mauer some information so she can go back and come prepared to the next meeting. Both questions would be relevant next month and they can talk about it then. He apologized if he opened up too much discussion on this but wants to help her be more prepared for next month.

Mr. Ostman told Chairman Kanelos the variation has already been granted. This Board was the final authority. It is the Special Use that came back here this month which is to allow 21 additional beds.

Chairman Kanelos said the Board could stop that from happening and they could also have the condition of a written parking agreement as part of the Special Use.

Ms. Grcic said the Special Use ordinance that was proposed to the Board of Trustees had two conditions and the valet service was not one of them. The conditions were not detailed. They also need a recorded document for valet.

Commissioner Dubiel said they need more detailed conditions and a valet condition added.

Chairman Kanelos said correct.

Mr. Ostman said he would have a meeting with Ms. Mauer and explain what needed to be done in preparation for next month's Planning and Zoning Board meeting. They want to make sure she has a clear set of instructions to follow.

Commissioner Dubiel said perhaps Ms. Mauer should get an attorney.

Chairman Kanelos said we will tell her what to do. She is a smart business woman and would probably run this past an attorney. He recommends that she does just that.

Commissioner McConville asked if it is possible for the Niles Police Department and Community Development to look again at the parking situation.

Mr. Ostman said yes, they will look again at various times during the week and on the weekends and take a count of the cars.

Chairman Kanelos encouraged all the Commissioners who have not gone personally to look at the site to please do so. This way they can personally gather information as well. He asked for other questions from the Commissioners but there were none. He then asked Ms. Mauer if she had additional questions. She did not. Chairman Kanelos advised her to make sure she gets that shared parking agreement in writing and signed, as well as a copy of the contract with the valet company. There were no questions from the public for either the petitioner or Staff so he entertained a motion for a **continuance** of case 18-ZP-28.

Commissioner Dubiel moved to **continue** case 18-ZP-28 until next month's meeting (March 4).

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

AYES: 7 Dubiel, Karabatsos, DeBartolo,  
Schulter, Nakanishi, McConville, Kanelos

NAYS: 0

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

## **DISCUSSIONS**

None

## **ADJOURNMENT**

Chairman Kanelos said there are no other items on the agenda but he officially congratulated Commissioner Dubiel on the engagement of his son. Chairman Kanelos then asked for a motion to adjourn.

Commissioner Dubiel moved to adjourn.

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

AYES: 7 Dubiel, Karabatsos, DeBartolo,

Schulter, Nakanishi, McConville, Kanelos

NAYS: 0  
There being seven (7) affirmative votes the motion carried.

The meeting adjourned at 7:37 p.m.

Kathleen Janessa, Recording Secretary

The following gentleman would like to be notified prior to the next Board of Trustees meeting:

19-ZP-1

Larry Slovy, LM Commercial Real Estate (Broker for Avis/Budget)

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