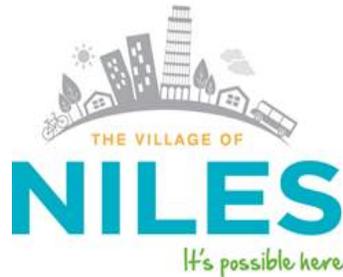


# VILLAGE OF NILES

1000 Civic Center Drive  
www.vniles.com



## Final Approved Meeting Minutes

Monday, March 1, 2021

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

This Electronic Meeting is open to the public and the public may submit public comment in advance. Public comments will be accepted by email and phone call

beforehand. Members of the public who would like to make a comment during the hearing via Zoom may sign up using the online form at [www.vniles.com/march1speak](http://www.vniles.com/march1speak). Public comments received by 5:00 p.m. on the day before the meeting will be read at the beginning of the meeting. Any comments received during the meeting will be held until the end of the meeting. Public comments should be emailed to [nbb@vniles.com](mailto:nbb@vniles.com) and contain: name; address (optional); city; phone (optional); and the agenda item you would like to comment on. Members of the public with no access to email may leave a message at 847-588-8077.

Statement read by Chairman Thomas Kanelos:

Due to the ongoing Covid-19 corona virus pandemic and the Governor's statewide stay-at-home order suspending certain open meeting acts requirements, this meeting will be conducted remotely. The Commissioners and Staff participating in tonight's meeting are all in different locations in accordance with social distancing guidelines. It is important that the cases scheduled tonight be heard to continue critical Village business which will enable ongoing construction, development, protection of property values and the promotion of the Village's economic vitality. Any individual desiring to listen and/or participate in this meeting through the electronic meeting platform known as Zoom has been provided that opportunity by the Community Development Department in advance of the meeting. Finally, members of the public had the opportunity to submit written comments in advance of the meeting. These methods of public participation have been publicized on the Village website, through notices required for each case including newspaper publication and on the agenda for tonight's meeting. And finally, since we are using Zoom for tonight's meeting, we anticipate there could be some problems as we move through the agenda. When it is time for speakers, either petitioners or members of the public to speak, you will be unmuted. Staff will call all speakers by name and speakers will be able to raise your hand through Zoom to help us facilitate unmuting. After you speak, you will be muted again. Please note there may be a slight delay between being unmuted and being able to begin speaking. A reminder: all speakers are asked to present their comments in a respectful and courteous manner, as you always do. If inappropriate language or comments are expressed during this meeting by the public or any other speaking person, we will mute that speaker and end their participation. Thank you.

### **CALL TO ORDER**

The Niles Planning and Zoning Board was called to order at 7:03 P.M.

### **PLEDGE OF ALLEGIANCE/ROLL CALL**

All rose for the Pledge of Allegiance.

PRESENT: 6 Chairman Thomas Kanelos, Commissioners

Ted Karabatsos, Susan DeBartolo, Robert Schulter  
[arrived at 7:25], Barbara Nakanishi, Terrence  
McConville

Also present were Director of Community Development Charles Ostman, Planner I Nathan Bruemmer and Village Attorney Danielle Grcic. Commissioner Morgan Dubiel was absent.

### **APPROVAL OF MINUTES**

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of January 4, 2021. There were none. He entertained a motion.

Commissioner Nakanishi moved to **approve** the minutes of January 4, 2021.

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

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

NAYS: 0

ABSENT: 1 Dubiel, Schulter

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

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of February 1, 2021. There were none. He entertained a motion.

Commissioner Nakanishi moved to **approve** the minutes of February 1, 2021.

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

AYES: 4 Nakanishi, McConville, Karabatsos,  
Kanelos

NAYS: 0

ABSTAIN 1 DeBartolo

ABSENT: 1 Dubiel, Schulter

There being four (4) affirmative votes the motion carried

### **PUBLIC COMMENT**

The public can ask questions or comment after the Board has heard the petitioners' testimony following each case.

### **OLD BUSINESS**

### **NEW BUSINESS**

**1. 21-ZP-02, 9530 N Greenwood Ave****A request for a Special Use Permit to allow a 'Vehicle Repair - Major' at 9530 N Greenwood Ave., Niles, Illinois 60714 as required by Section 8.2(A) of the Zoning Ordinance.**

Simon Yu, Architect, 500 Lake Cook Road, Deerfield, IL 60015, approached the microphone and was sworn in by Chairman Kanelos. The project is at Golf and Greenwood as shown on the screen. It is the old Best Buy. Mr. Yu's client has recently purchased a Chevy franchise now in Park Ridge. They are looking to move it to this location. He believes this is zoned generally for automotive and repair use but it requires a Special Use on top of that. Because of the sale of the property and purchase of the franchise, the plan right now is to have the service department in operation first. The back half of the building would operate first as service. The front half would be used as sales. General Motors will come in and rebrand the front in their image.

Chairman Kanelos asked if tonight he is just asking for a Special Use on the repair.

Mr. Yu said correct. Ultimately, they will have a service area in the back and a showroom in the front. Today they are looking for phase 1, service. Next would be phase 2, the showroom.

Chairman Kanelos said let us focus on phase 1.

Mr. Yu explained the layout of the service department as shown on the overhead and Zoom meeting. They would like to have the Special Use quickly as the sale is happening right now.

Chairman Kanelos asked Mr. Yu if he knows he will have to come back for a Special Use for the dealership. He is not understanding what he means by a temporary showroom in front. What would it be a showroom for?

Mr. Yu explained they would have inventory in the front of the building.

Chairman Kanelos asked if they would do this before they get a Special Use for the car dealership.

Mr. Yu said yes. It would not be fully finished in the showroom area but they do intend to have some sales in the front.

Chairman Kanelos said he did not think they can have any sales until they get a Special Use to sell cars. They will not be able to sell cars from this location until they come back for the next Special Use.

Charles Ostman, Director of Community Development, verified they will not be able to sell cars until then.

Mr. Yu understood. Ultimately, they will have the shop for the first phase, the temporary sales for the second phase and then complete the entire plan for the final phase.

Chairman Kanelos said there is no such thing as temporary sales. There will be two phases: one for the repair and one for the car dealership. He asked Mr. Ostman to make sure it is made clear to the owners.

Commissioner Nakanishi said it is unclear why the petitioner did not ask for the second Special Use now.

Chairman Kanelos said it is a good question but they did not.

Commissioner McConville asked if the petitioner is aware of the two recommended conditions of approval listed on page 3 of the packet.

Mr. Yu said they are aware of that.

Chairman Kanelos said if there is a motion made, that person should include those conditions.

There were no additional questions for the petitioner from the Commissioners. There were no questions from the public.

Nathan Bruemmer, Planner 1, verified this Special Use is only for phase 1, repair.

Chairman Kanelos asked if it is too late for the phase 2 Special Use to be put on the April agenda.

Mr. Bruemmer said yes, it is too late. It is important for the petitioner to break ground for the repair shop. The earliest they could get on the Zoning schedule would be May. At that time, they would need the entire architectural plan including landscaping. The reason for the following conditions recommended for approval are so the Village does not get stuck with just a repair shop located there if the dealership does not obtain its Special Use.

1. The Petitioner shall file a complete application for the proposed Special Use for the 'Vehicle, Marine and Recreational Vehicle Sales - Outdoor' use within three months of Village Board consideration of the Special Use for Vehicle Repair - Major'.
2. The approval of the Special Use for the "Vehicle Repair - Major' is contingent upon a successful request for the Special Use for the 'Vehicle, Marine and Recreational Vehicle Sales - Outdoor' use within one year of Village Board consideration of the Special Use for the 'Vehicle Repair - Major'. If the Special

Use for the 'Vehicle, Marine and Recreational Vehicle Sales - Outdoor' is not approved, the Special Use for the 'Vehicle Repair - Major' shall be void. [Typo in original filing. The last sentence has been corrected. 'Vehicle Sales - Outdoor should be Vehicle Repair - Major].

Chairman Kanelos said this is even more confusing. If the Commissioners approve this Special Use, the petitioner cannot start vehicle repairs there until they have the overall approval, correct? That could take anywhere from three months to a year.

Mr. Bruemmer said no. Basically, the first condition is saying they need to apply for the other Special Use within three months of tonight's Special Use. The second one is saying that within a year, if they do not get approved for that second Special Use, the one from tonight would be void.

Chairman Kanelos said, in essence, they are taking a risk in starting up and functioning as a repair shop while waiting to get a Special Use for a dealership. He asked the petitioner is the owner is aware of that.

Mr. Yu said yes. He also said the owner would like to sell parked cars on day one. He is not sure if that falls under dealership or service.

Chairman Kanelos said that would be sales and would not be permitted.

Commissioner McConville agreed that sales would not be permitted until the second Special Use was obtained.

Mr. Ostman stated the owner knows he will not be allowed to sell cars until the Special Use for that activity is applied for and approved. Staff will look into the exact wording of the Code regarding auto sales.

Commissioner McConville asked if the owner also understands there are no 'private' sales allowed as well?

Mr. Ostman said the owner is aware of that. He said they have had a very good working relationship with him during this process so far. He knows the owner does not want to jeopardize the applications for these Special Uses.

Chairman Kanelos asked if there were any more questions from the Commissioners for Staff. There were none. There were no questions from the public either. He entertained a motion.

Commissioner Nakanishi moved to **approve** item 21-ZP-02, requesting a Special Use Permit to allow a 'Vehicle Repair - Major' at 9530 N. Greenwood Ave., Niles, Illinois 60714 as required by Section 8.2(A) of the Zoning Ordinance. Conditions of approval:



location. There are a number of German organizations in Chicago that belong to the United German American Societies of Greater Chicago. They have regular membership meetings. The meetings do not usually attract too many people, maybe 15 or 20 for a routine meeting. These may include a Christmas party or some other social events during the year. The organization is looking to operate a small library and a small museum of German/American artifacts. This organization has been around for over 100 years in the Chicago area. The primary activity they have engaged in is running an Oktoberfest in the Lincoln Square area. They also run the Von Steuben Day Parade. It is anticipated they may have German dignitaries come to speak. They may have German dance groups come in or a German choir perform. There could be some arts and activities as well. They do expect some activities to draw people from outside the area on occasion. There are two individuals here tonight from the organization who would be able to answer any additional questions the Commissioners may have. They have done a lot of good things for the German community in the Chicago area. They have increased the profile and diversity of a specific group in this area.

Chairman Kanelos asked if food or beverage would be served.

Mr. Lynch thinks ultimately, they may have events requiring food or beverage. They are not seeking any particular license for the purpose of serving or cooking. They may request a liquor license at some point.

Commissioner McConville mentioned as a 501(3)(c) they are eligible for a liquor license. He finds it hard to believe that a German organization would not be applying for a liquor license in the future. He has been to the German Fest and Von Steuben Day parade many times and enjoyed it.

Commissioner Schulter said it is a great organization. His uncle was the past alderman in the 47<sup>th</sup> Ward and he has attended every year.

Chairman Kanelos said he has attended the May Fest in Lincoln Square as well.

Mr. Lynch said he has spoken to Carol who said they may be open for more activities in the Village at a future date. That may require a bit more space.

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

Mr. Bruemmer said the property is zoned for Mixed Use-Cultural Entertainment District. A social club/lodge does require a Special Use in this district. There are nineteen parking stalls on the property which meets the requirement for this property.



Tony Lundin and Ronnie Lundin, owners of Lin-Mar Towing and Recovery, 5940 Oakton St., Morton Grove, IL 60053, also came forward and were sworn in. Ken Florey, attorney for District 219, 55 W. Monroe, Chicago, IL. He did not need to be sworn in and will be speaking in favor of this text amendment if necessary.

Mr. David said they are here tonight to request an amendment to the Zoning Code to add Commercial Towing Services as a Special Use in the M - Limited Industrial District. The property in question is at 6119 W. Howard St in Niles. They are not here to ask for a Special Use for the business. They are requesting that towing services be added to Zoning Ordinance as a Special Use. Should they be approved tonight, they plan on coming back with more details for a Special Use for Lin-Mar Towing and Recovery. This is a 3<sup>rd</sup> generation towing business currently located in Morton Grove. They would like to come to Niles. They are under contract with District 219 to purchase the property subject to getting the appropriate zoning.

Tony Lundin said his grandfather started the business in 1958 in Morton Grove. They have outgrown the location they are now at on Oakton Street in Morton Grove. They are looking to move to this new location on Gross Point. They are a towing service that provides 24-hour services to most of the local municipalities in the area including Niles. Most people think of towing companies as more of a junkyard style of operation. Their business does not do private property towing, chaser style towing. They assist the IL State Police, IL Tollway, Cook County Sheriff and local municipalities providing services when vehicles are in accidents, semi-truck rollovers, etc. Other services they provide to municipalities are towing fire trucks, Pace buses, etc. They donate vehicles to the fire department for practice on cutting vehicles apart, extricating people. A big part of moving to Niles will be screening the property and landscaping the grounds to make sure it does not look like a junkyard. That is an investment they plan on making if granted this opportunity. It will be approximately a \$1,300,000 investment on their part on top of the cost of purchasing the property.

Chairman Kanelos said he thinks that is enough information for now. They will have to come back next time with all the details for the actual business. Right now, they are just talking about a text amendment. Thank you for all the information.

Mr. Lundin added they are involved in the community with parades. They hold themselves to a higher standard.

Commissioner McConville said his concern is with the dismantling and demolition of vehicles. You said your firm would not be doing any of that on this site, correct?

Mr. Lundin said correct.

Chairman Kanelos said he does not want to be disrespectful but that has nothing to do with what they are requesting tonight. When they come back for a Special Use permit for the business, it will be very important.

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

Mr. Bruemmer said this request is for a text amendment to Table 8-1 (Use Matrix) of Appendix B of the Village of Niles Code of Ordinances to add 'Towing Service' as a Special Use in the 'M - Limited Industrial District'.

Village Staff reached out to NWMC with a survey to its member municipalities regarding towing services and their ordinances. 11 communities responded with 6 saying they do allow towing services in some capacity. Towing services are allowed by right in auto-centric and industrial zoning districts in Schaumburg, Lincolnwood, Wheeling and Elk Grove Village. Lake Zurich and Skokie allow them as Special Uses. Park Ridge, Wilmette, Libertyville, Barrington and Grayslake do not permit towing services. This storage yard would be across from the Village's Touhy Triangle area which has been proposed as a redevelopment site for a potential town center. Staff does not usually make recommendations to the Zoning Board. But if you opt to recommend approval for this proposed text amendment, Staff has suggested defining 'Towing Service' as 'an establishment, building or land primarily engaged in the removal and temporary storage of vehicles but does not include the dismantling or demolition of vehicles'. That would be added to Section 8.5 'Use Definitions'.

Commissioner Karabatsos asked Staff about the proposed master plan for the Touhy Triangle.

Mr. Bruemmer stated there have been a number of proposed ideas. It is one of two areas in the Village the planners see as becoming potentially a town center. Regardless if that happens, it is a mixed-use entertainment district bounded by Touhy, Lehigh and Gross Point.

Commissioner Karabatsos asked if it extends all the way to Howard. He thought it stops at Gross Point.

Mr. Bruemmer said it does stop at Gross Point. The site for Lin-Mar Towing would be across from there on the other side of Gross Point outside of the Touhy Triangle District.

Mr. Ostman said the text amendment would apply to the entire Manufacturing district. It is not site specific.

Chairman Kanelos asked if there were any more questions for Staff from the Commissioners. There were none. There were no questions from the public. He then entertained a motion.

Commissioner McConville moved to **approve** 21-ZP-06, a Text Amendment request to amend Table 8-1 (Use Matrix) of Appendix B of the Village of Niles Code of Ordinances to add ‘Towing Service’ as a Special Use in the ‘M - Limited Industrial District’.

Before this motion was seconded, Chairman Kanelos asked: of the towns that do not allow towing services, what reason did they give? Are they towns that do not have any industrial areas?

Mr. Bruemmer said they did not give any reasons. Yes, of the ones that do not allow towing, there does not seem to be industrial areas.

Chairman Kanelos asked Commissioner McConville asked if he would consider adding Staff’s recommendation to his motion to approve.

Commissioner McConville answered yes, subject thereto.

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

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

NAYS: 0

ABSENT: 1 Dubiel

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

**5. 21-ZP-07, 7530 W. Oakton St**  
**A request for a Special Use Permit to allow a Painted Wall Sign at**  
**D’Agostino’s, 7530 W. Oakton St., Niles, Illinois 60714 as required by**  
**Section 78-92(4)(d) of the Village Ordinance.**

Petitioner Frank Lambert, South Water Signs, 934 N. Church Road, Elmhurst, IL, came forward and was sworn in. He is the licensed contractor for Scott D’Agostino. There was an oversight when they applied for the permit. It was issued and it clearly stated in the ordinance that a painted wall is a Special Use. They have evidence that Amici Ristorante has a painted wall sign. They think it looks great. It would be really hard to remove without damaging the wall.

Chairman Kanelos asked if there were any questions for the petitioner from the Commissioners. There were none. There were no questions from the public. The question is are they going to be within the square footage allowable based on the size of their lot and frontage? A Special Use will not allow them to have more area than the Sign Code allows, correct?

Mr. Ostman said that will be within the square footage. They are on the corner with both of their lots and there is plenty of parking.

Chairman Kanelos said he knows it has been a while since this Board went over the Sign Code. Why is it they did not show wall signs as allowable? Is it because the Village does not want billboards going up?

Mr. Ostman said honestly, there was not a lot of discussion on that. It was the same as the previous Sign Code and it was just carried through.

Chairman Kanelos said maybe they should consider this. In some instances, these wall signs actually look good. Portillo's has them on the outside as well. He asked if there were any other questions for Staff. There were none. There were no questions from the public for Staff. He entertained a motion.

Commissioner DeBartolo moved to **approve** item 21-ZP-07, a request for a Special Use Permit to allow a Painted Wall Sign at D'Agostino's, 7530 W. Oakton St., Niles, Illinois 60714 as required by Section 78-92(4)(d) of the Village Ordinance.

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

AYES: 6 DeBartolo, Schuller, Nakanishi,  
McConville, Karabatsos, Kanelos

NAYS: 0

ABSENT: 1 Dubiel

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 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.

**DISCUSSIONS**

**ADJOURNMENT**

Chairman Kanelos entertained a motion to adjourn.

Commissioner DeBartolo moved to adjourn.

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

AYES: 6 DeBartolo, Schuller, Nakanishi,  
McConville, Karabatsos, Kanelos

NAYS: 0

ABSENT: 1 Dubiel

There being six (6) affirmative votes the motion carried

The meeting adjourned at 7:57 p.m.

Kathleen Janessa, Recording Secretary