



COMMUNITY DEVELOPMENT

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**BUILDING AND ZONING COMMITTEE MEETING
MINUTES
VILLAGE HALL – SECOND FLOOR CONFERENCE ROOM #218
April 21st, 2022**

Chairman

Craig Niedermaier – Trustee

Members

Kathy Thake – Deputy Village Manager

Charles Ostman – Community Development Director

Rich Wlodarski – Community Development Assistant Director

Tom Kanelos – Chairman Planning and Zoning

Danielle Grcic – Village Attorney

Rich Mangold – Resident

I. Call To Order/Roll Call

The Niles Building and Zoning Committee meeting was called to order at 8:15 AM.

Present: 9 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Bruemmer, Lockerby

Absent: 1 – Mayor George Alpogianis

Guests: 1 – Larry Dziurdzik (member of the public)

II. Approval of Building & Zoning Committee minutes from the meeting on March 17th, 2022

Niedermaier motioned to approve of meeting minutes for March 17th, 2022.

AYES: 7 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Thake

NAYS: 0

ABSTAIN: 0

Motion passed.

III. Old Business

A. a) Text amendment on new language for outdoor dining

i. Wlodarski states that a change will be made to liquor license hours. The maximum will be changed to 2:00 am and will only affect a few businesses serving late.

ii. Niedermaier makes a motion to pass the proposed change in the text amendments for outdoor dining.

AYES: 8 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Thake
NAYS: 0
ABSTAIN: 0

Motion passed.

B. b) Text amendment Electric vehicle facilities as primary use and incidental use

- i.) Ostman states that there is existing language addressing primary and accessory use, but will be left as is due to research still being conducted particularly on electric vehicle facilities. The discussion will be brought back as more requests are made regarding these facilities.
- ii) Niedermaier agrees that it is premature and the discussion will be brought back in the future.

IV. New Business

a) Text Amendments to the following Sections of the Niles Zoning Ordinance:

Section 16: allowing modifications to non-conforming gas stations

- I. Lockerby states that the village has been working along with Costco to expand their gas pumps due to long lines to capture more customers. Although, when the new zoning ordinance came into effect, many gas stations became non-conforming due to that use not being allowed. She proposes language modification to the non-conforming section to allow for expansions of gas stations and all gas stations within the village would be subject to this. All gas stations would be able to expand within their existing property as long as it would not impede traffic.
- II. Kanelos states he doesn't oppose this idea. He asks whether reviewing traffic and public safety would come across the committee.
- III. Lockerby states there is a possibility it can come before the board. Although, the use can't be expanded due to the ordinance. There is a significant investment within a property to expand their use.
- IV. Grcic asks whether this change is for existing gas stations that are non-conforming due to the change of the code.
- V. Lockerby states that this is correct
- VI. Grcic asks if the gas stations are non-conforming, could they increase the pumps without going to the zoning board
- VII. Lockerby states that it depends if the gas station was granted a special use permit even though most are. Most would have to go through the planning and zoning board.
- VIII. Niedermaier states that more pumps within Costco would significantly diminish the long lines.
- IX. Lockerby reiterates that there are twelve gas stations within the village, many of which are already built to their capacity so this wouldn't affect a lot of them. The next step of these proposed text amendments is to present them in front of the planning and zoning board on May 2nd along with the village board meeting.
- X. Niedermaier makes a motion to allow modifications for non-conforming gas stations

AYES: 8 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold,

Thake

NAYS: 0
ABSTAIN: 0

Motion passed.

Request from the Planning and Zoning Board to reevaluate the following: i. Section 6.3 Dimensional Standards to reduce the minimum front yard from the current 25' to 0' ii. Section 6.4-Design Standards- exterior material (Chuck) iii. Section 15.5- Administrative Exception to increase authority to Director from 10% to 15%.

Item 1

- I. Ostman states that in a previous meeting the idea of reducing the dimensional standards for industrial front yards from 25' to 0' was brought up. He states he's evaluated other municipalities and keeping the 25' is appropriate to incorporate landscaping.

- II. Kanelos states this was brought up because Rich's products proposed completing an addition.
- III. Niedermaier states that it is a universal idea being encouraged by the village and not just industrial properties.

Item II.

- I. Ostman states that the text should not change and the zoning code should be supported as written to incorporate different materials as businesses are expanding their buildings. The code encourages businesses to use different materials than they already have in place as it enhances the area and will help the village overall.
- II. Kanelos disagrees that business shouldn't be allowed to expand with the same material and be restricted when doing so.
- III. Bruemmer asks Kanelos if that would just be pertaining to the industrial district
- IV. Kanelos states that commercial buildings are in high visibility versus industrial buildings which are a lot less visible. So if the change to the text was made, it would be pertaining to industrial buildings only.
- V. Niedermaier states that this idea is very subjective because some like consistency while others do not in regards to industrial buildings. Mandating a change in material doesn't promise a better look to the building.
- VI. Bruemmer states that this is the reason for variations.
- VII. Niedermaier states that much larger additions using the same material do indeed make the appearance of it less appealing.
- VIII. Kanelos reiterates that industrial buildings are in low visibility areas causing no reason for concern in their appearance.
- IX. Ostman disagrees and states that manufacturing districts should be enhanced.
- X. Lockerby states that this section is geared towards enhancing the facade in the public right of way in particular.
- XI. Niedermaier states that this mandate can cause the businesses to reconsider the appearance of their building when they choose to expand. The way a building looks does affect the way people think about the brand and ultimately the village as a whole.
- XII. Kanelos disagrees and states that most people don't give much attention towards industrial facilities.
- XIII. Kanelos makes a motion that section 6.4 item ii be amended to state that additions can be of the same material of the existing building, even though it is not the currently allowable material.
- XIV. Grcic seconds the motion

AYES: 4—Grcic, Kanelos, Mangold, Thake,
 NAYS: 3— Chairperson Niedermaier, Ostman, Wlodarski
 ABSTAIN: 0

Item III. Section 15.5- Administrative Exception to increase authority to Director from 10% to 15%

- I. Ostman states that he has researched other municipalities. There are a few communities that exceed the 10% and give more authority to the director. Ostman believes that there are items brought up to the planning commissioners that are unnecessarily time consuming and would rather fall under the authority of the director. He states that more research will be done on this and will provide survey results on what other municipalities do in terms of administrative rights.
- II. Kanelos states that it should be left at 10%
- III. Mangold asks how the authority percentage is measured.
- IV. Kanelos states it depends on the variation.
- V. Ostman states that he would like other parts of this language reconsidered.

ii) Sections 4 and 10: creating regulations for circular driveways

- I. Bruemmer states that a couple residents have come to the village requesting to construct a circular driveway. Other communities were researched and the following is being proposed: the lot must be 65 feet wide, it cannot go onto two streets, and the second leg of the driveway can only be 10 feet at the property line.
- II. Kanelos asks what is the allowable width for a normal driveway,
- III. Wlodarski states 20 feet is allowable for a 2 car garage.
- IV. Kanelos states that the circular driveway should be allowed to go on to two streets. It would bring more people to park on their property rather than the street.
- V. Niedermaier asks if there has been a large request for circular driveways.

- VI. Bruemmer states there have only been two requests within the past year.
- VII. Niedermaier asks if this type of driveway serves a purpose or if it's more aesthetic.
- VIII. Bruemmer states it reduces street parking.
- IX. Lockerby states that the 50% impervious coverage still applies to any flatwork like this.
- X. Niedermaier states that circular driveway will not benefit Niles since most properties are not wide enough and they don't seem to serve a purpose.
- XI. Niedermaier makes a motion to allow to have the text amendment for circular driveways amended to be limited to lots that are 65 feet wide or greater with still allowing the 25ft width at the apron. No restriction for 1 street or 2 street entrance at egress, as long as it maintains the 50% permeability. As well as allowing the grandfathering in of existing circular driveways to be repaired with the same footprint
- XII. Mangold seconds this.

AYES: 8 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Thake
NAYS: 0
ABSTAIN: 0

Motion passed.

iii) Section 8: regarding Cellular tower regulations

I.) Bruemmer states there are proposed changes to the wireless telecommunications infrastructure which was recommended by Stu Chapman, a consultant for the Village. The proposed changes include updating standards as well as changes to applications.

II.) Kanelos makes a motion to approve these changes.

III.) Mangold seconds this.

AYES: 8 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Thake
NAYS: 0
ABSTAIN: 0

iv) Section 8: creating temporary Covid testing site regulations

I.) Bruemmer states that there were many inquiries about setting up covid testing sites throughout the pandemic. Although, there were not many regulations in which the Village offered temporary use permits. These regulations would create standards and application procedures along with the approval by the director. A main concern with testing sites is the overflow of cars on the parking lot into the street. It would give the village the ability to revoke the permit if a testing site received numerous complaints.

II.) Niedermaier asks if there were many issues with the previous testing sites.

III.) Bruemmer states that there were no issues with traffic overflow, however, there were some complaints with how the sites were operating. In order to be approved, the testing site had to show a license and prove that another site hasn't been closed down by the state.

IV.) Niedermaier makes a motion to have section 8: temporary covid testing site regulations to be applied.

V.) Mangold seconds this.

AYES: 8 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Thake
NAYS: 0
ABSTAIN: 0

v) Sections 5 and 8: regarding the C-5 Zoning District

I. Lockerby states this was brought up due to the redevelopment of Golf Mill. It gives the village more control with the review of the entire development. There is a proposed text for a minimum district size of 15 acres so that it is a more sizable area.

II. Niedermaier asks if this would apply to any existing areas other than Golf Mill.

III. Lockerby states there are areas around Golf Mill that are more than 15 acres.

IV. Lockerby states that the maximum building height within the C-5 district is 50 feet, and the Villages consultants recommended it be 60 feet to allow for some additional height. There are two proposed modifications about the retail center siting. The first change is to modify the requirement for entrances and showcase windows on

out lot buildings. The recommended change is the facades that face the street include windows and entrances are encouraged to be on both sides. Another modification is to remove the text that states: “a street presence for the mixed use retail center must be created by locating part of the center out lot buildings within 0-20 feet of the lot for at least 20% of the frontage.”

V. Lockerby states a proposed change to dwelling of townhouses and multifamily change from special use to permitted use so there isn't additional approval required. Another recommended change is vehicle rental outdoor be removed as a use all within a C-5 district.

VI. Lockerby proposes bars/microbreweries/micro distilleries be changed from a special use to a permitted use. These types of businesses would not have to go through the special use process.

VII. Niedermaier ask if there is a consideration for pedestrians and bicyclists being able to move freely around Golf Mill

VIII. Lockerby states that those kinds of attributes will be reviewed.

IX. Niedermaier makes a motion to approve the proposed amendments to the C-5 zoning district urban village.

AYES: 8 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Thake

NAYS: 0

ABSTAIN: 0

vi) Section 12: Planned Unit Developments

I. Lockerby states that all developments within the C-5 district are required to be a PUD. Golf Mill will be providing a phasing plan. There will not be preliminary plans for the entire development due to the scale of it. They will work in phases and eventually show a finalized plan.

II. Niedermaier makes a motion to approve the proposed amendments.

AYES: 6 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Kanelos, Mangold

NAYS: 0

ABSTAIN: 0

vii) Section 15: clarifying who may apply for text amendments and creating expiration dates for Map Amendments

I. Bruemmer states the following language is being added: If a map amendment is approved in conjunction with new construction, the map amendment will expire within one year of the day of approval if a building permit has not been issued.

II. Bruemmer states a change to who can initiate a text amendment from any property owner within the village to any other person.

III. Niedermaier asks what prompted this change.

IV. Bruemmer states most nearby villages operate this way.

V. Niedermaier makes a motion to approve the changes to the section 15 on text amendments and map amendments.

B.) Text amendment to Subdivision Ordinance- minor subdivisions

I. Lockerby states the village has a process for minor subdivisions which allows them to have a streamlined process but the subdivision code doesn't have any description of what constitutes a major or minor subdivision. She recommends there be an added text.

II. Niedermaier makes a motion to apply the text amendment to subdivision ordinance on minor subdivisions.

III. Mangold seconds this

AYES: 6 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Kanelos, Mangold

NAYS: 0

ABSTAIN: 0

Next Meeting May 19th, 2022 .

V. Adjournment

Niedermaier asked for a motion to adjourn. Ostman motioned to adjourn until May 19th, 2022.