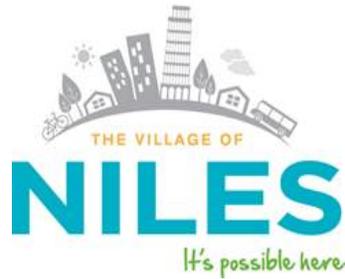


VILLAGE OF NILES

1000 Civic Center Drive
www.vniles.com



Final Approved Meeting Minutes

Monday, May 3, 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

The Planning and Zoning Board Meeting will be called to order electronically via Zoom audio/visual conferencing in accordance with Governor Pritzker's most

Commissioner Dubiel moved to **approve** the minutes of April 5, 2021.

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

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

NAYS: 0

ABSENT: 1 Nakanishi

There being six (6) 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-09 & 21-ZP-10, 7403-7421 N Milwaukee Ave

A request for approval Special Use Permit to allow a 'Medical/Dental Clinic' at 7403-7421 N Milwaukee Ave, Niles, IL 60714 as required by Section 8.2 (A) of the Zoning Ordinance, as well as the following Variations:

- A Variation from Niles Zoning Ordinance Section 10.1(G)(I) to increase the permitted percentage of shared off-site parking from 20% to 25%.
- A Variation from Niles Zoning Ordinance Section 10.4, Table 10-2 to reduce the required number of off-street parking stalls from 101 to 91.

Note: The applicant withdrew the off-street parking Variation - part of item 21-ZP-10.

Liz Butler, Attorney for the applicant, 325 N. LaSalle St., Chicago, IL, did not need to be sworn in. She will be joined by Dr. Jason Ethington of DMSE Eye Associates, Dr. Kevin Sullivan also with DMSE Eye Associates, Dr. Liz Fahrenbach of North Branch Dermatology, Richard Gordon with Interwork Architects, John Loberg, Loberg Construction Co. She stated the applicant has withdrawn the request for an off-street parking Variation. They will proceed with the Special Use Permit request along with the Variation for shared off-site parking from 20% to 25%. They are requesting a Special Use for a medical office. There is an aerial view of the subject property being shown on the Zoom meeting. This includes a view of the proposed shared parking site as well. The property is bounded by Birchwood Avenue on the north, Waukegan Road on the east and Milwaukee Avenue on the west. It is approximately 19,200 sq. ft. It is zoned as

C-3. It is designated under the Village's Comprehensive Plan as being appropriate for general neighborhood and commercial use. She went on to show and discuss the current condition of the subject property shown on the overhead. It used to house Kiddie Kingdom. DMSE Eye Associates and North Branch Dermatology are the contract purchasers of the property. DMSE Eye Associates plans to operate an ophthalmology and optometry practice using about 8,000 sq. ft. of space. North Branch Dermatology would operate a practice using approximately 4,000 sq. ft. of space, including a small skin care shop. The remaining space does not have an identified tenant at this time. There would be an extensive renovation of the interior and exterior of the property. There would **be an updated façade to the exterior and landscape improvements. DMSE was** founded in 1964 on Milwaukee Avenue on the northwest side of Chicago. They moved to the Resurrection Medical Center professional building in the 1980s. They are excited to move back onto Milwaukee Avenue. North Branch Dermatology was founded in 2014 by Dr. Elizabeth Fahrenbach. Her practice has flourished in the last 7 years and she is now in need of more space to continue to meet the needs of her patients. She went on to describe all the services both practices offer. DMSE hours of operation will be Monday through Thursday 7 am - 7 pm, Friday 7 am - 3:30 pm, Saturday 8 am - 12 noon, closed on Sunday. North Branch Dermatology hours will be Monday, Tuesday, Thursday, Friday 8 am - 5 pm, Wednesday 7 am - 7 pm, Saturday 8 am - 1 pm, closed on Sunday. The proposed uses are compatible and consistent with the Zoning Use Ordinances. The medical practices will promote the public health, safety and welfare by providing high quality dermatologic and ophthalmologic care to the residents of Niles and the surrounding areas. In total these practices will relocate 40 high level jobs to the Village as well as 120 patients visiting the Village every day.

Commissioner Schulner asked about the south side of the property where a proposed parking lot is shown.

Ms. Butler said the shared parking is actually located to the north of the property.

Chairman Kanelos asked Commissioner Schulner if he is asking about the proposed parking lot to the east.

Commissioner Schulner said southeast, yes.

They are looking at the overhead to see the exact location.

Commissioner Schulner asked if the developer is still planning on moving forward with that proposed parking lot.

Ms. Butler said that lot is part of the subject property and would be included, yes. Originally there was a request for reduction of parking requirements from 101 parking spaces to 91 parking spaces. That request has been withdrawn.

Chairman Kanelos said no need to go into detail since it has been withdrawn.

Ms. Butler said the subject property includes 66 parking spaces and there is no room to add additional parking spaces. The applicant is looking to have 25 parking spaces off-site within 300 ft. of the property in the church parking lot north of the property. The church parking lot is primarily unused during the week during office hours. That lot will be used mostly for employee parking and patients who are not able to park in the main lot. The petitioner has provided the Village with a shared parking agreement with Ascension Lutheran Church for the use of those 25 parking spaces. In total there would be 91 parking spaces with 66 on site and 25 off-site. The petitioners have worked with Staff and they agree with the approval of this Special Use. She then described the various elevations of the building showing renderings on the overhead screen. The architect is here to answer any questions concerning the structure. That concludes her presentation.

Chairman Kanelos asked if the Community Development Department has an opinion whether or not this is largely in accordance with the Comprehensive Plan.

Charles Ostman, Director of Community Development, said he believes this is in accordance with the Comprehensive Plan. That Plan was drafted about 10 years ago and the Zoning Code was rewritten to match up with that Comprehensive Plan. Medical uses are listed as Special Uses along Milwaukee Avenue.

Chairman Kanelos said even though they are not moving the building closer to the street [which was desired in the Comprehensive Plan] the preponderance of what is happening here certainly appears to be a definite improvement.

Mr. Ostman said if they were going to demolish the building and rebuild, it would certainly change how it would be positioned along the street.

Commissioner Schulner said within the plan it shows proposed parking on the east side of the property. Currently there is no parking there, correct?

Ms. Butler asked someone else to address that.

Dr. Kevin Sullivan, DMSE Eye Associates, 7447 W. Talcott, Suite 300, Chicago, IL, came to the podium and was sworn in. The parking east and west is existing parking. He is not sure why it says 'proposed' parking because it already exists. Those are the existing parking spots. He thinks they are using 'proposed' because they changed the lines [striping] on it.

Commissioner Schulner said when he looked at Google maps, it shows just a drive-thru, no lines at all. Is the actual parking being reconfigured?

Ms. Butler said the parcels are part of the subject property and they are being re-stripped.

Dr. Sullivan answered yes, the parking is being reconfigured.

Commissioner Schulter said on the east side there is a 5 ft. utility easement where you are actually putting in parking. Are you aware of that?

Ms. Butler said typically there is not an issue with parking over a utility easement since it is not a permanent structure. She will review that and confirm.

Commissioner Schulter said you need an agreement with the utility companies to give you encroachment to do that.

Mr. Ostman said it is permissible for parking lots to encroach into utility easements. What is not allowed in utility easements is any kind of structure.

Commissioner Schulter said understood, but the developer still has to get permission.

Ms. Butler said usually the utility documents that grant the rights to the utility address the types of uses that can take place in the easement with permission or without permission. Parking and optimum landscaping are uses typically permitted in a utility easement since they are not permanent structures.

Commissioner Schulter said he understands that but this is part of his responsibility in what he does for a living for the past 40 years. Generally, if a developer is placing something within an easement you still need permission from the utility company.

Richard Gordon with Interwork Architects, 1717 Deerfield Rd., Suite 320, Deerfield, IL, came forward and was sworn in. They are not changing the configuration of the pavement. All they are doing is re-stripping. Where it says 'proposed layout', they are changing the striping within the existing pavement. There is an easement there now; there is parking within that easement now; none of that is changing. That is why it says 'proposed layout' because the layout has changed.

Commissioner Nakanishi pointed out the first page of the application said this is a request to approve a medical/dental clinic. There is no dental clinic involved, is there?

Nathan Bruemmer, Planner 1, said that is just what the use category is in the Zoning Code.

Commissioner Karabatsos has a question about the shared parking agreement. It says 25 spots from Exhibit A. Is it a certain time limit for the parking? Where is Exhibit A?

Dr. Sullivan said he thinks Exhibit A is the contract. It is indefinite. It is for a year and extends automatically. Even though it says it is shared parking, he is stressing it really is not shared because when they use those 25 spots the church will not be using them and vice versa.

Chairman Kanelos asked if they are also selling eyeglasses and collecting sales tax.

Dr. Sullivan said yes. They are selling eyeglasses. Prescription eyeglasses do not require sales tax. There is a complicated use tax thing and the Village is probably aware how that works. Non-prescription glasses and sunglasses will generate sales tax. The dermatology practice will also sell products.

Chairman Kanelos said one of the requirements for approval is if this is necessary for the public convenience at this location. He counted no less than 15 dermatologists and 21 ophthalmologists within 5 miles. Why is it necessary for the public at this location?

Dr. Sullivan said part of their moving to this location is they are reasonably close by the area now. They would like exposure on a busy thoroughfare as opposed to being buried in a professional building. Thirty years ago, being in a hospital professional building seemed like a good thing but it is not worth as much now. They would like new, renovated space. They did not want to move so far away as if starting a new practice. They expect their patients to follow to this location.

Chairman Kanelos asked if there were any questions from the Commissioners or from the public. There were none. Any questions for Staff from the Commissioners or the public? There were none. Any comments from Staff?

Nathan Bruemmer, Planner I, said the only thing he would add is since the petitioners withdrew the one parking variation and with part of the space being empty, they would only need 75 parking spaces. If they chose to fill that space with retail, it would require 16 additional parking spaces.

Chairman Kanelos said then any tenants that may go in that building and require more parking would have to come before the Zoning Board, correct?

Mr. Bruemmer said that is correct.

Chairman Kanelos entertained a motion. Remember they have abbreviated 21-ZP-10. There is only one variation instead of two.

frontages must be situated no more than 5 ft. from the property lines along Milwaukee Avenue and Oakton Street. The proposed setback along Milwaukee Avenue is 5 ft. and the proposed setback of the building along Oakton St. ranges from 5.1 ft. to 39.5 ft., therefore 0% of the building will be in the build-to zone along Milwaukee Avenue.

- 5.4(B)(1)(h) Buildings located within 50 ft. of key corners as designated in Figure 5.4, measured parallel to the right-of-way, must address Niles' unique corner geometry through the inclusion of prominent architectural features. Such features include, but are not limited to, chamfered corners, 'bull nose' building forms or other vertical architectural elements. **It has been determined the proposed design of the building will not meet this Section of the Zoning Ordinance.**
- 5.4(B)(l)(i) Vents, air conditioners and other utility elements, except where such elements are enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer, **are prohibited as part of a front or corner side façade. Electrical meters are proposed on the northern façade of the building.**
- 5.4(B)(2)(c) Building facades located within 50 ft. of key corners as designated in Figure 5.4, measured parallel to the right-of-way, must maintain a minimum transparency of 75% measured between two and 10 feet in height from grade. **The proposed transparency in the required areas is 65% rather than the required 75%.**

Quinn Gadow, Phillips Edison & Co., [owners of Oak Mill Plaza], 7818 Sandpiper Avenue, North Canton, OH 44720, was sworn in over the internet. He thanks the Board for the opportunity to present this case for a proposed development at Oak Mill Plaza. He will share his screen and show the prepared exhibits. Phillips Edison is the owner of over 300 grocery anchored shopping centers in the United States. This is a 150,000 sq. ft. Jewel anchored center in which they are proposing an outparcel development located on the corner of north Milwaukee Avenue and west Oakton Street. He is showing an aerial photo of the center and proposed development. This is a 4,800 sq. ft. multi-tenant building with a drive-through and patio areas on the east side and south side of the building. They are proposing access to the existing sidewalk areas as well as bike racks for pedestrian use. The site plans shown on the overhead have been in development with the Village for over six months. They have been working on these plans since purchasing the shopping center in 2016. He went on to discuss the elevations of the building along with a description of the actual construction. Our request tonight is for the request of a Special Use for the drive-through as well as a number of variations primarily associated with the unique corner geometry of Oakton and Milwaukee that includes to allow 0% of building to be built in the 0 to 5 ft. setback along Milwaukee. Also, they are addressing the unique corner geometry as well as the screening associated with the electrical service equipment along Oakton. The last variance requested is to allow for

transparency of 65% where 75% is required. They are looking at their design to help address each one of the variances. His design team is also in on this meeting remotely. He feels the design plan does not pose any threat to pedestrians or patrons in the shopping center. He again thanked the Board for allowing this presentation and will be happy to answer any questions.

Commissioner Dubiel asked why this utility has to be placed [where shown]. He thinks it incredibly ugly and cannot see himself passing this request. This is an important corner in the Village. You are asking for enormous variances. This is one he cannot swallow.

Mr. Gadow said in terms of the location of the riser room, he explained how they need to utilize the existing parking fields for the shopping center. Therefore, that places the ideal location toward the rear of the building. In terms of screening and the location of the electrical equipment, they will utilize landscaping to obscure view from Oakton and Milwaukee. If you look where the landlord room is located, it is right up against the property line with the 0 - 5 ft. setback. They pushed that up against the property line at Oakton St. It does not allow for additional elements for screening. They are looking to include additional landscaping to obscure the view from passing traffic.

Commissioner Dubiel said you could go to zero lot line all the way around.

Mr. Gadow said they cannot go to zero lot line because of their drive through configuration.

Commissioner Dubiel said you are situating the utilities to your convenience. You could re-situate your buildings so the utilities would not be sticking out onto Milwaukee or Oakton at this prestigious corner.

Mr. Gadow said when looking at the feasibility of the useful area, the location of the landlord room was one of the options allowed for flexibility for the proposed tenants. The relocation of that landlord room to any of the other locations would prove to be unwanted from either the tenants or it would prove to be a situation which it would be near the storefront. They then would have to reduce the transparency.

Commissioner Dubiel said Mr. Gadow answered some of his questions but he still cannot vote to approve this.

Chairman Kanelos said it might have been more helpful if there was a rendering of what they might have for screening. This is his biggest gripe as well. It is a really prominent corner and this building is a great addition there but that is a tough one having it right there. There are other buildings in the Village that look terrible at a prominent spot and the Village is trying to get away from that.

Mr. Gadow said he does have a few photos to show what is out there and the screening that would be similar to what they are proposing. Unfortunately, the current Zoom features do not allow him to share that. If they go through a discussion and that is a condition of approval, that is something they would be open to. They would have to make it work within the property line. Either landscaping or an architectural feature that would be similar to the building.

Commissioner Dubiel said to Mr. Gadow he came here knowing that would be a major barrier. You did not bring any example but came up with two creative solutions within two minutes and there is nothing at all for us to look at. He added he wants this to be successful but.....

Commissioner Karabatsos asked what else was coming in besides meter sockets.

Mr. Gadow said it is strictly electrical.

Commissioner Karabatsos asked if they can put a door on the east side. You have capability to put it elsewhere or is that where the service is going to come in?

Mr. Gadow said it is the closest point for service to come in through the western end of the development. The transformer will be located in this island [as shown on the overhead].

Commissioner Karabatsos asked why they could not go in on the east side since the sidewalk is right there.

Mr. Gadow said that will be the location of the gas lines. They want the ability to have them separate from each other. There are options to flip flop, but largely the length of electrical is undefined at this time. While they are looking to provide screening, they cannot do anything until they know the exact size of the electrical gear. They incorporate a screening element if that will help the Board in its decision.

Commissioner Schulter said in reference to the prior questions, you are suggesting but are not sure where the ComEd transformer and the phone pedestal and possibly cable pedestal would be.

Mr. Gadow said they do know the location of the transformer. It will be in that island as depicted on the overhead. It is coming in from the west end; that is defined as the location.

Commissioner Schulter said he does not understand why they cannot bring the electric to the east side since he has only three banks to go in there. Can you come into the same area?

Mr. Gadow said the intention was to keep the services separate. The electric service is on the rear wall.

Commissioner Schulter understands that but can they [all services] be moved to come in the same wall. There is no code violation to do that. He added 'you own the space'.

Mr. Gadow said from a development standpoint, all of the electrical panels will be located along the wall which tenants technically identify as their rear wall. The location would be best served from the rear wall. On the side wall, there would be issues with waste negotiations since conduits would be running through that area. He understands they own the space but their intended users dictate whether or not there can be conduits running through their space.

Commissioner Schulter asked how can they dictate what goes through your property before it is even built.

Mr. Gadow answered in terms of the negotiation process, it is one where there is leverage on both sides. If it is a matter of moving the electric to the west wall to put it beside the gas meters and that is a condition of approval, then so be it - it would be a condition they would work through.

Chairman Kanelos asked if there were any more questions from the Commissioners for the petitioner. There were none. There were no questions from the public. He asked if Staff had anything further to add.

Mr. Bruemmer added in 2016 the Village adopted the South Milwaukee Corridor Plan. The Village used a lot of that information to adopt the new Zoning Ordinance. Staff feels comfortable this is a good compromise between the drive-through use and meeting the intent of the plan which is to have that building with a minimum setback.

Chairman Kanelos said then Staff feels it predominantly satisfies the Comprehensive Plan for appearance on a significant corner like this.

Mr. Bruemmer said yes.

Chairman Kanelos asked if there were any questions from the Commissioners or the public for Staff. There were none. He entertained a motion.

Commissioner Dubiel moved to **approve** the request for a Special Use Permit to allow a 'Drive-Through Facility' at 7900 N Milwaukee Ave, Niles IL 60714, as required by Section 8.2(A) of the Zoning Ordinance as well as the following Variations:

- A Variation from Niles Zoning Ordinance Section 5.4(B)(l)(a)(1)

Chairman Kanelos asked how many other stores are there in this area.

Mr. Khibo said there are two more stores in Niles.

Commissioner Dubiel asked if he knew what portion of his business would occur after 9 pm.

Mr. Khibo said probably 20 to 30%.

Commissioner Dubiel said that means late night is very important to the business, correct?

Mr. Khibo said yes. They will see the amount of business they have. If it is less, he will reduce the hours to end at maybe 10 pm.

Chairman Kanelos asked if there were other questions from the Commissioners. There were none. There were no questions for the petitioner from the public.

Mr. Bruemmer added there are two other smoke/vape shops in town and both are located on Golf Road at the northern edge of town. He confirmed with the applicant there will be no smoking on the premises.

Commissioner Schulter said he did not realize these shops were open until midnight.

Mr. Bruemmer said he confirmed one of the shops is open until midnight, the other until 10 pm.

Chairman Kanelos confirmed there is no obstacle with a tobacco shop operating near a school.

Mr. Bruemmer said that is correct.

Chairman Kanelos asked if there were other questions from the Commissioners or the public for Staff. He entertained a motion.

There was a long pause with no motion and Chairman Kanelos asked Village Attorney Daniel Grcic if there is no motion does the item fail. She said yes. At that time Commissioner Schulter made a motion.

Commissioner Schulter moved to **approve** item 21-ZP-15, a request for a Special Use Permit to allow a 'Smoking Establishment' at 8936 N Greenwood Ave, Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

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

AYES: 3 Schulter, McConville, Kanelos

NAYS: 4 Nakanishi, Karabatsos, DeBartolo, Dubiel
There being here (3) affirmative votes and four (4) negative votes,
the motion did not pass.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either agree with this recommendation or make a different decision themselves. 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 Staff.

4. 21-ZP-19, 249 Golf Mill Center

A request for a Special Use Permit to allow a 'Massage Services Establishment' at 249 Golf Mill Center, Niles IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

Rosie Sun, 249 Golf Mill Center, Niles, IL 60714, came forward and was sworn in. She wants to open Relax Spa in Golf Mill Center. They will provide chair massage, foot reflexology and full body massage. Since this will be in the mall, they will operate according to the mall hours.

Commissioner Dubiel asked if this is her first attempt to run a massage service.

Ms. Sun answered no. She has been in the massage business for 12 years starting in 2009. She has opened about 20 stores. She explained she had signed short-term leases and more recently long-term leases. She still has 3 left and this would be the 4th one. She went into a long explanation about her time in this type of business.

Commissioner Dubiel asked if all the stores she opened were in Illinois.

Ms. Sun said some were. She opened in Orland Park, Bloomington, Champaign. She started kind of late as there were already spas in the malls. She still has 2 locations in Iowa - in Davenport and Coralville. She also has 1 in New York. Those are the only 3 she currently has.

Commissioner Dubiel said you are currently running 3 spas in other states. And will you run this Golf Mill store as well?

Ms. Sun said she has a partner in this store. She is not a massage therapist. She only runs the store and the business.

Commissioner Dubiel is still trying to clarify all the locations.

Ms. Sun was discussing how she had these stores then transferred them because of profitability. She explained she signed only short-term leases because they were less money. Then if another massage business came in and signed a long-term lease, she would get a notice from the mall operator to close because now they had a long-term business there.

Commissioner Karabatsos said if you are not a therapist, are you licensed with the state of Illinois Department of Professional Regulations? Do you carry the license or put it in someone else's name?

Chairman Kanelos asked the Village Attorney if required in Illinois, the owner be licensed or just the therapists?

Commissioner Dubiel said she can own the business but she cannot do massages.

Commissioner McConville asked how her business is organized. Is she a sole-proprietor, a partnership? Does she have investors?

Ms. Sun answered the therapists are licensed. She just runs the store.

Commissioner McConville clarified there is a partner opening this business - it is not just her alone. Is there a formal partnership agreement between you and whomever the partner is?

Ms. Sun said yes. Her partner is on the lease and he is the therapist.

Commissioner Karabatsos said Ms. Sun says her partner is the licensed therapist. When the police say they did a background check, who did they do it on?

Mr. Bruemmer said the police only did a background check on Ms. Sun.

Chairman Kanelos said the police department operated with insufficient information if they only did a check on Ms. Sun and not the therapist.

Commissioner DeBartolo asked what kind of lease will Ms. Sun sign with Golf Mill Plaza. Is your income based on what you signed as far as commissions?

Ms. Sun said she would be the owner of this store. She went on and on speaking quickly about the basics of this business/partnership. She signed a 2-year lease.

Commissioner Dubiel said at the beginning of this meeting, Ms. Sun said she has never come before a zoning board. Would you classify yourself as an investor?

Ms. Sun said she has signed many leases and never had to come before a zoning board. She has never had a hearing before. She is kind of an investor.

[There is a lot of talking and it is hard to understand since she is talking so fast.]

Attorney Grcic was asked if the owner has to be a therapist. She answered you have to look at who is the therapist. That is the one who must be registered with the State of Illinois. That is who gets the background check. Any change of a therapist would have to go through a background check and the owner would have to notify the city. The problem the Village runs into is who is going to regulate that requirement. How will they ever know it is changing hands? It should be within the lease who is going to use that space and for what purpose. The Village cannot control what the lease says. The lease will outline negotiations between the tenant and the landlord. The State of Illinois is going to control the masseuse and registration of the therapist.

Chairman Kanelos asked if this Board can make a Special Use attached to the therapist?

Ms. Grcic answered she does not know how that would be possible. In the Special Use there are findings of fact that talk about the real estate the Special Use is associated with and it is not personal. If the Village does not have control of turn around of therapists, that may be something that needs to be put in the record. They could, however, make it a condition and make it personal.

Chairman Kanelos said that the partner is a licensed therapist but there was no background check done by the police.

Ms. Sun said he is the licensed therapist. She does not know who the police checked on.

Mr. Ostman confirmed the applicant here tonight is the only person on which a background check was performed.

Commissioner Schuler requested they table this until her partner/therapist has background check.

Commissioner Schuler moved to **table** item 21-ZP-19 until the partner/therapist has had a background check.

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

AYES: 3 Schuler, McConville, Nakanishi

NAYS: 4 Dubiel, Karabatsos, DeBartolo, Kanelos
There being three (3) affirmative votes and four (4) negative votes,
the motion to **table** failed.

Commissioner Nakanishi asked if this woman's partner going to be the only therapist working at this location.

Ms. Sun said he is going to manage the store and find another therapist. Now she states she is going to have 2 therapists.

Commissioner Karabatsos asked Staff if Niles issues business licenses for massage parlors.

Mr. Ostman said they have responsibility for issuing licenses for the businesses but have no authority over massage therapists.

Commissioner Karabatsos asked why wouldn't the therapist have to get a license as well? He feels they dropped the ball if this goes on indefinitely. What if the therapist gets fired and there is no licensed therapist on location?

Commissioner Nakanishi said maybe they should make it a condition where they have to prove they have a current license from the Department of Regulation every year.

Chairman Kanelos asked Ms. Grcic if they could do that or is it almost like legislation.

Ms. Grcic's short answer is yes. That would be a condition of the Special Use, not the business license. It would be the responsibility of the applicant to provide that information annually when renewing the business license.

Commissioner Karabatsos asked could the Village could issue a masseuse license. When renewed yearly, they could also request their business license renewal. That is how you would police this matter. He said when he goes to renew his own business license, he has to show his current identification and current roofing license in order to get a permit.

Ms. Grcic said there are certain businesses where they cannot do that and this is one of them.

Commissioner Dubiel said this is a gray area. It is a business that is regulated by the state. Niles is just issuing the Special Use that is permanent there. There is an applicant before us who cannot describe her business clearly; who has started many of these all over the place with short-term leases; has a partner who did not appear tonight who cannot be questioned. He said he still does not understand this business even after this lengthy conversation about it.

Chairman Kanelos asked if there were any more questions for the Commissioners or Staff. There were none. He moved for a motion for item 21-

ZP-19, 249 Golf Mill Center. However, there was **no motion** to approve or deny.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either agree or disagree with 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 Staff.

5. 21-ZP-20, 8584 Dempster St

A request for a Special Use Permit to allow a 'Drive-Through Facility' at 8584 Dempster St, Niles, IL 60714, as required by Section 8.2(A) of the Zoning Ordinance.

Reena Panjwani, 6213 W. Howard St., Niles, IL, came forward and was sworn in. Her family are local Dunkin Donuts/Baskin Robbins franchisees. They have been operating since 1986. They currently have 13 locations, one of which is located in Niles on Dempster near Shermer. They also have one very close to the proposed site off Dempster and Potter, which is not a drive-through. Tonight, they are proposing renovating the former Baker's Square Restaurant on Dempster near Greenwood and making that a Dunkin Donuts/Baskin Robbins with a double drive-through lane - one for mobile phone pick up and the other a traditional drive-through lane. She introduced her architect.

Steven Kolber, Architect, Kolbrook Design, 828 Davis St., Suite 300, Evanston, IL 60201, came to the podium and was sworn in. They are saving a lot of the structure of the building - just shaving off from the east and west sides to create the footprint you see [on the overhead]. In creating the drive-through, they kept all the queueing well within the property line. It is unlikely it would ever spill over into the street. They are recreating the curb cut from Dempster. Instead of full access it is going to be a right-in if you are heading west on Dempster. You would circle around the property and head into the drive-through which will be 2 lanes to accommodate more cars in the queue. The choice to come out would be onto Chester or over to Greenwood. The building itself will be converted. The landscape plan is also included in the packet. There is a rendering of what it will look like when complete.

Chairman Kanelos asked if there were any questions from the Commissioners for the petitioner. There were none. There was one question from the public area. It is from Village of Niles Trustee McCreery.

Denise McCreery, Village Trustee, 8256 N Oketo, Niles, IL, was sworn in and spoke via Zoom. The Baker's Square building is rather close to the Dempster/Greenwood intersection. If compared to the McDonald's drive-through to the east, they have the ability to go into the one area and come out the exit

where it does not cross over in front of the building. Have you looked at options like that?

Mr. Kolber answered they did. Based on trying to save the building itself and establish a drive-through queue where everything is held within their property lines, they will be able to stack cars. He was pointing to the diagram on the overhead explaining why the plan is what it is. The north and the south end of the building will maintain the existing foundation lines.

Ms. McCreery asked if therefore it would not work where there could be 2 entrances/exits off Dempster - one to come in and one to come out?

Mr. Kolber said there is no way IDOT would allow that. Even on the best of days, traffic is always backed up there. To try and feed another line of cars into that is a mess they want to avoid.

Ms. McCreery asked if there were any landscaping plans to hide those cars from the front [on Dempster].

Mr. Kolber said what they are showing on the landscape plan is what is now on the property. It is the public way [shown on the overhead] that includes small shrubs along the curb line.

Commissioner Schulter asked the square footage of the building once complete.

Chairman Kanelos answered 2,500 sq. ft.

Mr. Kolber added it is on the site plan in the packet.

Chairman Kanelos asked Mr. Ostman or Mr. Bruemmer about traffic issues in the past on Chester Avenue.

Mr. Bruemmer answered Chester is the one that goes into the school. That is a dead end so people would be going south, not north.

Mr. Ostman said it is permanently closed now that the school construction is complete.

Chairman Kanelos asked if there were any questions for the petitioners from the Commissioners. There were none. There were no questions from the public. He asked if they could do some other landscaping in the front to block the cars and give it a nicer look. Mr. Kolber mentioned something about little shrubs but he does not see any.

Mr. Kolber said there is a planting [not sure of the species] in the front. To maintain the radius and do a complete turn is a tight squeeze. If they put

landscaping in front of that, it is a public way so they cannot add anything in that area.

Chairman Kanelos entertained a motion.

Commissioner Dubiel moved to **approve** a request for a Special Use Permit to allow a 'Drive-Through Facility' at 8584 Dempster St, Niles, IL 60714, as required by Section 8.2(A) of the Zoning Ordinance.

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

AYES: 7 Dubiel, Karabatsos, DeBartolo, Schuller,
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 affirm or deny 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 Staff.

DISCUSSIONS

ADJOURNMENT

Chairman Kanelos entertained a motion to adjourn.

Commissioner DeBartolo moved to adjourn.

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

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

NAYS: 0

There being seven (7) affirmative votes the motion carried

The meeting adjourned at 8:56 p.m.

Kathleen Janessa, Recording Secretary