

VILLAGE OF NILES

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



Final Approved Minutes

Monday, June 4, 2018

7:01 PM

Village Hall

Planning and Zoning Board

Chairman

Thomas Kanelos

Members

Susan DeBartolo

Morgan Dubiel

Terrence McConville

Barbara Nakanishi

Robert Schulter

Staff Liaison Bruce Sylvester

CALL TO ORDER/ROLL CALL

The Niles Planning and Zoning Board was called to order at 7:01 P.M. All rose for the Pledge of Allegiance.

PRESENT: 5 Chairman Thomas Kanelos, Commissioners Terrence McConville, Susan DeBartolo, Robert Schulter, Morgan Dubiel

Also present was Director of Community Development Charles Ostman, Senior Planner Bruce Sylvester and Village Attorney Danielle Grcic. Commissioner Barbara Nakanishi was absent.

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of April 2, 2018. There were no additions, clarifications or corrections to the April minutes.

Commissioner Dubiel moved to **approve** the minutes of April 2, 2018.

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

AYES: 5 Dubiel, McConville, DeBartolo, Schulter, Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

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

NEW BUSINESS

Chairman Kanelos called for the first item on tonight’s agenda.

18-ZP-06 Requesting text amendments to the following sections of the Village of Niles Zoning Code Appendix B:

- 1) Table 4-1 in Section 4.3 adding new side-yard set-back requirements for homes with attached carports;
- 2) Section 4.6(E) to define ‘New Construction’;
- 3) Table 8-1 in Section 8.2 to include ‘Day Care Center’ as a ‘special use’ in the ‘P-I - Public Institutional’ zoning district;
- 4) Section 9.2(E)(3) to eliminate exceptions for light-pole heights for outdoor recreational facilities;
- 5) Section 9.3 adding a provision to allow storage tanks as permitted accessory structures in the ‘M’ Manufacturing zoning district and a rule for their permitted locations;
- 6) Table 9-1 in Section 9.4 adding ‘Treehouses’ as permitted encroachments in rear yards in residential zoning districts and a rule for their permitted height;

- 7) Section 15.3(H) creating procedures for revoking special use permits that were previously approved; and
- 8) Section 15.8 adding additional considerations for the approval or denial of temporary use permits.

Bruce Sylvester, Senior Planner, said unfortunately there are technical difficulties and there is no projector tonight. The Commissioners do have all the materials in their packets. The first item tonight are proposed text amendments. The Village does this periodically and they are trying to get into a once a year pattern. Things come up and some ordinances need to be tweaked or changed. There are rules that should be revised. Community Development Department staff keep a list of those so once a year Staff can bring them before the Board and say these are all text amendments that need attention and consideration for adopting. That is what is before the Board tonight. Mr. Sylvester highlighted some of the items listed above. Staff did issue the required notification. The Board can't do anything with the text amendments until it has been published in the newspaper. Since there is no address, it is not required to any notices out to the surrounding area like they do for other zoning cases.

Commissioner Dubiel has questions on items 1,2,3,7 and 8. For item 1, the Board settled on 4 feet back. What is the concern about no deck, balcony or enclosed living space?

Mr. Sylvester has notes from that discussion in December, 2017. In the notes the Board agreed to have a 4 foot set-back and suggested those limitations. A carport would be able to be 4 feet from the lot line, but would not be able to have a desk on top of that.

Commissioner Dubiel asked about item 2. They've gone over several times about what constituted 'new construction' versus a 'rehab'. His concern is they have made new construction so much more difficult than if they were doing a rehab. Mr. Dubiel stated that we do want people to make their properties nicer and we seem to punish them with higher taxes, more hoops to jump through, etc. He feels it is more restrictive.

Charles Ostman, Director of Community Development, said no, this new definition is less restrictive than the old definition for 'new construction'.

Chairman Kanelos said that under the old definition, if you kept 50% of the walls, it was not considered new construction. Or if you moved less than 25% of the joists. That was the problem - the joists.

Commissioner Dubiel said he ran into the joists issue. The new modern joist systems are much better, the webbing and so on.

Mr. Ostman said this new definition is much less restrictive. This went through the Building and Zoning committee and it has the formula they came up with. They are just codifying it right now.

Commissioner Dubiel asked why they are dropping the 50% down to 30%.

Chairman Kanelos asked Staff if they have an objection to 50%. He would prefer that and remove the restrictions on the joists. Does anyone else mind if we change this from 30% to 50%? [No one objected.]

Commissioner Dubiel asked about item 3. It sounds like 'public institutional' is very common. Some schools and churches have day care. Why do we have to make it a special use? Why can't they make it just 'allowed'?

Mr. Sylvester said day care centers in both the older zoning ordinance and the newer one in use for the past 3 years always classifies day care centers as special uses. Staff thought it would be more consistent. They realized that when they adopted the new ordinance, they didn't include day care centers as an allowable use with a special use permit in public institutional districts. That's where most of them are. They thought briefly about saying they could be permitted uses. But Staff wanted to keep it consistent.

Commissioner Dubiel said he would be fine making it permitted as opposed to making it a special use. They're already controlled by state licensing. Why make one more hoop for the petitioner to jump through.

Chairman Kanelos said he doesn't have a problem with it being a special use because it typically is a special use if it's not in a church or other institution.

Commissioner Dubiel said Staff just gave testimony of why it doesn't have to be a special use.

Chairman Kanelos asked why then are they recommending it. If they keep it a special use, what is the advantage?

Mr. Sylvester said it provides public notice. It provides the Board the opportunity to review it - such as traffic or noise.

Mr. Sylvester said day care centers were special uses in the old zoning ordinance. In the newer ordinance in the districts where they're allowed, they continue to be special uses. He said he doesn't feel strongly. He sees they could make an argument about making them permitted uses, especially in the public institutional district. They are special uses already in the commercial districts.

Chairman Kanelos asked if that can be made as a recommendation as well.

Commissioner Dubiel then asked about item 7. He understands the importance of being able to revoke special uses. He doesn't think the language is clear. We saw this recently with a violation.

Danielle Grcic, Village Attorney, said the trigger could be any violation. A criminal violation, an ordinance violation; anything that would create a nuisance. It would also include a state statute.

Commissioner Dubiel said he doesn't see that wording in the text. There is a due process. If something occurs, you get brought forward by Department of Community Development. Why would they be brought here to have their special use revoked?

Chairman Kanelos said they would have their due process. They would have to come here, have their hearing here and then this Board would make a recommendation. It's not like first violation and your special use is gone. They would have a process to go through. He would like to see a level of violation you would have to exceed in order to lose it.

Commissioner Dubiel said the last one they saw had two violations within six months or less than a year.

Attorney Grcic said if you look at the ordinance granting a special use permit, it does state all laws of Village of Niles, Cook County and State of Illinois have to be followed. An arbitrary revocation would be something to put in our code, and then you're revoked. What this does is allows for a process.

[There is an annoyance in the background of what sounds like electronic interference - every now and then it overrides the sound system.]

Mr. Sylvester read what the new verbiage will be for item 7. It may not be appealed to the corporate authority and/or any other Village body.

Commissioner Dubiel's concern with item 8 is it doesn't seem to have a process to get around this for a temporary use permit. He's concerned about the word aesthetic. He would be satisfied if they added there is an appeal process. A temporary permit should have an end date.

Chairman Kanelos said they will add an appeal process. There was no more discussion regarding the text amendments in case 18-ZP-06. He entertained a motion to **approve** as amended.

Commissioner Dubiel moved to **approve**.

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

YES: 5 Dubiel, McConville, DeBartolo, Schuller,
Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

There being five (5) 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. Anyone in the audience who would like to be informed as to the date this will be heard by the Board of Trustees, leave your name and address with the recording secretary.

Chairman Kanelos called for the second item on tonight's agenda.

18-ZP-07 Requesting approval of 1) a special use permit per Niles Zoning Ordinance 9.2(C)(2) to allow multiple new light poles that will each be 60 feet in height on the outdoor playing fields at Emerson Middle School located at 8101 North Cumberland Avenue, Niles, Illinois; and 2) a variation from Village of Niles parking requirements as provided in Zoning Ordinance Section 10.4 and Table 10.2 to allow fewer parking stalls than required for soccer club use of the outdoor playing fields at Emerson Middle School located at 8101 North Cumberland Avenue.

In the following testimony Park Ridge Park District will be shown as PRPD and Park Ridge Soccer Club will be shown as PRSC.

Mr. Sylvester said there are two requests here. One for a special use for the height of the light towers being requested and two, a variation on parking requirements. The special use would require this Board to vote as a recommending Board and then it would go to the Village Board for final approval. The variation on parking would have its final decision with this Board. The representative for the PRPD can go into detail about the lights being proposed. It is a proposal for nine light standards that would be 60 feet tall at Emerson School to allow extended practice and play times for primarily youth league soccer at that athletic field. That's the first request. The second item concerns the parking. When Staff reviewed this they looked at the parking situation. One of the concerns when this was circulated to other Village departments was the issue of parking. Zoning ordinance for Niles says parking requirements for schools are to be determined by the Planning and Zoning Board. For restaurants or other businesses it is clear how many parking spots you must have. For schools this Board determines that. Based on the calculation of how much area the soccer fields take up, there isn't enough parking on site for the athletic fields. There are a lot of variables that go into determining how many spaces are required. This case is site specific. All of the required notifications have been done: mailed notifications, published in the newspaper and a sign on site. Page 2 of this

proposal in the Board's packet has comments from other Village departments. The police department and Village engineer did raise some concerns about traffic and parking associated with youth soccer leagues.

Commissioner Dubiel said it appears there are no buildings 60 feet high in the area. Most homes are 28 to 32 feet. The zoning code is 35 feet maximum. A major issue would be light spillover. The inspector has no concerns because photometrics apply with requirements.

Mr. Sylvester said these lights would be the tallest structures in the area. The school is not as tall. There are different ways to measure light intensity. There are lumens and foot candles. Village ordinance says any light cannot cause light intensity at the lot line to be more than one foot candle. A photo metrics plan would study how the light would beam. For this proposal the PRPD had a photo metrics plan created. The plan shows these poles, even though they are very tall, will not cause the intensity of the light at the property line to exceed the one foot candle limit.

Chairman Kanelos called for the petitioner to come forward and be sworn in.

Terry Wolf, Superintendent of Buildings and [?] for PRPD, 733 N. Prospect Ave., Park Ridge, IL 60068. Thank you for the opportunity to present this case tonight. He wants to go through a couple of things he responded to in the Village packet. He feels this is consistent with the spirit of Niles' zoning ordinance. This could help add value to the community. Plus it will provide additional recreational opportunities for the community. This area of Niles is served by the PRPD as well as other areas of Niles. The PRSC is a community club that provides participants the opportunities for soccer both in Park Ridge and surrounding areas. There are 70 participants in the club that are residents of Niles. There are about 1,800 total participants. This will not endanger the public in any way. These lights would add safety to the fields, especially when you get into the shorter daylight seasons of winter or fall. He believes it is a compatible use. Examples are Nico Park, Grennan Heights, Notre Dame College Prep High School - they all have athletic field lighting and they are directly adjacent to properties that are similar to what is in this residential zoned area. He thinks it is necessary for safety. It will allow them to spread out practice times. Regarding parking around parks, according to the code there should be two parking spaces per 1,000 square feet of the lot area. When you consider the size of the area of Emerson & Jefferson school campuses, it actually would have required 1,786 parking spaces. He thinks everyone can agree that is not an appropriate number. He said a standard soccer field of 240 x 360 feet would actually require 173 parking spaces. It's still pretty excessive since most people are being brought there in groups or dropped off. There are currently 195+ parking spaces + 15 accessible parking spaces on that campus. There is additional street parking available. He did not do a parking study. This was based on observations. He doesn't believe it would alter the use of the facility because they aren't looking to change anything. He does not believe they are creating an issue. They are

trying to provide a safe environment for people to play soccer. The park district, the soccer club and School District 64 have collaborated to work on these fields in the past. When the school was rehabbed, over \$500,000 worth of improvements were made to that field so the kids could use it for gym class. Because of that the PRSC invested \$250,000 of its own money for this. The PRPD picked up the remainder of \$285,000. Both PRSC and PRPD have been using this site and have an agreement that extends out for another 10 years for soccer at that location. With this, they are looking to improve the ability for the children to play.

Chairman Kanelos asked the percentage of usage by adults and by children. Would it be PRPD and PRSC using these fields exclusively? He did pass by Sunday morning and there were adults playing. Isn't there one larger field and two smaller fields?

Matt Pothast, Park Ridge Soccer, 1313 S. Western Ave., Park Ridge, IL came to the podium and was sworn in. He answered it is almost completely youth sports. Maybe there is one adult game per weekend. Outside of school hours, PRPD and PRSC would be the only ones using this facility. There is one league of adults that play on Sunday mornings and they are part of the PRSC. The kids using the fields right now are under U8's to U11's. The older kids play on the fields at Woodland Park. He went on to explain there are 102 teams in the house league. He explained the configuration as it is right now. So this would end up smaller fields in the lower space and then one larger field for the high school age kids.

Chairman Kanelos said with the two larger fields, once this is done, that would be older kids playing and potentially more adults playing.

Mr. Pothast said what they see in the packet tonight is not how it's going to end up. The whole field is going to be lit but they need to be cognizant of the house league. They want to have smaller fields in that space and one larger field for the older kids at that point.

Chairman Kanelos said it would be helpful to this Board to see what the actual plan is. Now all they have is what is being provided as of this time.

Mr. Wolf said the purpose of the information the Board has tonight is to show the locations of the lights.

Commissioner Schuller said the school district owns this property, correct? Therefore it is not a designated park. How many soccer fields are there in Park Ridge?

Mr. Wolf said that is correct. They play soccer at five different parks in Park Ridge. The range of fields would be between 15 and 20. There are seasons when they rest fields. They don't overuse the fields. There may be a time

where a certain field doesn't get used in a season. Right now there are 102 house teams this year along with 30 travel teams using 15 soccer fields in various parks. They share with baseball, football and lacrosse as well. It varies per season based upon which other sport is active at the time. There are no lights in those parks.

Commissioner Schulter asked if those are designated parks, how come you aren't putting lights in those parks.

Mr. Pothast said some of those fields have lights; they just don't have lights for soccer fields. Emerson School fields became the best choice since they can accommodate the most appropriate number of fields because of the square layout design.

Commissioner Schulter asked what generally the soccer season is. Is this going to overlap with school activities? We are talking about the parking situation too.

Mr. Wolf said it would be fall. It's usually August through Halloween.

Commissioner Schulter said if there is school basketball going on and then there is a soccer game, where is the parking coming from? There isn't enough parking now.

Mr. Wolf said he hasn't heard there isn't enough parking.

Commissioner Schulter said that is what is on the agenda tonight.

Chairman Kanelos said we're only looking for 324 parking spots and it's already short by 50%.

Commissioner Schulter said the concern is if there are school activities going on, and then soccer - it's going to be a problem.

Mr. Wolf said they currently coordinate with the school district if the school has special events. They will continue to do that. If school has things planned at night, the soccer club will hold off practice. It is school property so they get first rights. That's the way the agreements are written between the school district and the park district.

Chairman Kanelos asked what other schools and parks in Park Ridge did they consider putting lights. What about Field School fields?

Mr. Wolf said they did consider Lincoln Park. It is probably the next best soccer location. It didn't have the same capacity and would have required more lights for less overall footage of soccer field.

Chairman Kanelos said let's go back to Field School. Isn't it used for soccer at all? And do you have lights there?

Mr. Pothast asked do you mean North East Park or Field School? They do have soccer fields in North East Park which is sitting next to Field School. There are no lights there.

Mr. Wolf said no lights for the same reason as Lincoln. It cannot be lighted efficiently. The way those fields are laid out they may have to put in twelve light poles. It happens to be next to Field School but it is park district property. They do have an inter-governmental agreement with School District 64. There is a separate specific one with Emerson School as well.

Attorney Grcic asked if the PRSC has an agreement with PRPD at any other location or is it just at Emerson.

Mr. Wolf said there is an affiliate agreement that covers a lot of different things. But there is a specific agreement as it relates to Emerson School because of the money they invested to help renovate those fields and it's tied specifically to Emerson. District 64 does have money set aside for capital investments for projects such as this and they also pay per registered player.

Commissioner Dubiel said a lot of information is being presented here tonight. Is access open to the public at all times?

Mr. Wolf said probably during school hours the answer is no. Outside of school hours the primary access would be for PRSC & PRPD. If there is no scheduled activity it wouldn't be any different than other parks or school properties. It is his understanding it is open to the public if nothing else is scheduled there.

Mr. Pothast said yes, it's open if you want to go kick a ball around. One thing that can happen is another club can come into this facility and use the field. There's so little space in this area it's crowded. If you go out northwest toward Crystal Lake there's plenty of room out there. We are renting fields from PRPD because we don't want clubs coming in and tearing up the fields. It isn't abnormal for a club to have a contract. An example is Niles West allows a club to use their field but the club pays for it. Same with PRSC. They pay for the maintenance of the fields through fees that travel and house league pay.

Chairman Kanelos asked how is that necessary for the public convenience. Is the club for profit or not for profit?

Mr. Wolf said the PRPD and PRSC serve the public.

Mr. Pothast said it is a 501(c)3.

Commissioner Dubiel said you [PRSC] are independent of the PRPD, correct?

Mr. Pothast said yes, they have their own budget, their own by-laws, and their own board. The affiliation is based on the use of the fields.

Commissioner Dubiel said the testimony sounds like this will not increase in intensity.

Mr. Wolf said that is his suggestion. The number of teams is not going to increase but the time is going to increase. The amount of users at a given time will likely decrease.

Commissioner Dubiel reiterated the entire scenario and configuration again. Mr. Pothast said they aren't bringing in more kids. Just giving them an opportunity to practice later, especially in the fall when there is no sunlight past 6:00 p.m.

Commissioner Dubiel then asked them to look at their lighting analysis in the packet presented. He went over that as well.

Mr. Pothast said they are asking to make it safe.

Luann Kolstad, Chief School Business Official for District 64, was sworn in. The PRPD and PRSC basically put up all the money to rejuvenate those fields. The school district did not have the money to re-do the fields at the time Emerson School was built. There is an inter-governmental agreement with the school district and those two groups. There is already another inter-governmental agreement in process for the lights. The days and times the lights can be used would be part of this new agreement. She has a draft copy she can bring to the Board but 9:00 at night is the cutoff time for use of lights. They do work together so events don't overlap. There are 102 additional parking spaces available to the PRSC: 57 at Jefferson School and 45 on Greendale. The Jefferson lot is next door to Emerson and is in the process of being redone right now. That, along with Emerson's parking, brings the total to 297 parking spots. She can supply pictures of the parking areas. Emerson's parking lot is also being redone this summer.

Chairman Kanelos asked if there was a formal agreement saying they have access to those parking spots.

Ms. Kolstad said yes. The parking on Greendale is property owned by the school district.

Commissioner Dubiel said on the variation, the petitioners have not shown anything on parking. He questioned how this special use [spirit and intent] relates to the specific use of the zoning ordinance. [Some transmission was inaudible]

Mr. Wolf said according to the Comprehensive Plan public institutional lands are designated not only for schools but also parks.

Commissioner Dubiel said they testified that 70 Niles youth out of 1,800 uses PRPD soccer program. That isn't even a percent. So as a Niles zoning official he has to look at this as how is it serving the spirit and intent of the Niles zoning code. How do they see it could help value? Does the PRPD collect taxes from the Niles residents?

Mr. Wolf says it is for Park Ridge and Niles. PRPD serves both Niles and Park Ridge and they both utilize this property. He sees it as an opportunity for both communities. Yes, they do collect taxes from Niles residents.

There was more discussion on the taxation of Niles residents within the PRPD even though very few use it.

Commissioner Dubiel asked if the Niles residents pay a separate fee to join the PRSC.

Mr. Pothast said they may pay a non-resident fee.

Commissioner Dubiel's last question is: is it deemed necessary for the public convenience at the proposed location? Earlier testimony stated there are already 1,500+ youth playing soccer. Without this [special use] soccer, what are they doing now? Still playing, right? Would more kids be playing?

Mr. Pothast said they aren't asking to increase numbers. They want this program to be safe. They are asking for a couple more hours Monday through Friday to be able to do this.

Commissioner McConville asked if there would be use of the fields by adults at night. What about tournaments? Who controls the scheduling out of the three groups - especially if there are overlapping events?

Mr. Pothast said no, adults play in the Sunday morning league. Presently they do not do tournaments. They don't have the space.

Mr. Wolf said the school decision has the final decision in determining if and when the field is available.

Ms. Kolstad said there are things they can put in the agreement to limit the use of the fields. Any complaints would be directed to the Director of Facilities Management for the school district.

Commissioner McConville said it might be nice for Niles residents to pay a resident fee [as opposed to non-resident] considering the usage.

Ms. Kolstad said any Niles students within Park Ridge School District 64 are paying resident fees.

Chairman Kanelos asked if there were any more questions from the Commissioners. There were none. He invited the public to begin speaking.

Mike DeBartolo, 8442 W. Oak Ave., Niles, IL 60714, came forward and was sworn in. He lives next to Gemini Junior High. He said about two years ago the Seahawks had taken over the field. He has pictures of vandalism, trash, parking problems. It has been a big problem. If Park Ridge wants the Seahawks, let them go play in Park Ridge and put the lights in Park Ridge. The Park Ridge residents don't want the lights. Niles doesn't want the lights. This club takes over everything. He went on to say how bad the garbage is.

Chairman Kanelos asked if someone can explain who the Seahawks are.

Mr. Wolf said the Seahawks are a different affiliate group. Gemini is not a District 64 school. They have no affiliation with this group.

Mr. Pothast said that is the travel club Junior Hawks and they are based out of Niles. They use Gemini School for some matches and practice. It is not part of PRSC.

Jennifer Kuzminski, 1034 N. Cumberland, Park Ridge, IL 60068. She is an attorney and does not need to be sworn in. She sent an email to the Board earlier today. She is personally affected because she lives directly across from the field. There is already trash all over the area. Her daughter played in the house league and it is a great program. If there are lights it has to be restricted. She feels it is going to be a Niles problem. When she bought her house thirteen years ago she expected school traffic. Now with all the soccer - traffic and parking are currently problems. If there are lights it will only get worse.

Chairman Kanelos said maybe she should move into Niles because we care about our residents.

Ms. Kuzminski said she was impressed with how this meeting is being handled.

Tom Sotos, 2431 S. DeCook Rd., Park Ridge, IL 60068 came forward. He is an attorney and did not need to be sworn in. He was a resident of Niles, 8548 N. Overhill. He still owns the home. He also owns commercial property at 7501 Milwaukee. He's also on the school board of District 64. He is here as a resident of Park Ridge, not as a member of the school board. He has children who play in the PRSC. This is not just for Park Ridge kids but Niles kids also. The property is extremely clean. The program isn't trying to expand. It's trying to give kids more practice time when the sun sets sooner. When he lived in Niles he was at the end of Notre Dame High School's football field. He knows what it's like to

have noise and also lights in the windows. Band practice at 7 in the morning with a bandmaster who uses a megaphone to give orders. But Notre Dame was a good neighbor when he lived there. Even though he had to put blackout shades on his windows, he always enjoyed the activity when he lived there. He feels this would be a great benefit to the community.

Bart Costa, 8141 N. Susan Ct., Niles, IL 60714 came to the podium and was sworn in. His next door neighbor asked him to present the Board with her letter concerning the proposal. She is out of town at the time of this meeting. He is also speaking for himself. He is quoting an interview Mr. Wolf gave to the Park Ridge Advocate. 87% of the players are from Park Ridge. Not that many from Niles. The teams go from Arlington Heights to the west; Skokie/Morton Grove to the east and Chicago and Norridge to the south. North East Park is a beautiful soccer field. The reason they don't want lights there is because there are high end homes. There is plenty of parking around that park with additional parking at Field School which is adjacent to it. He went to a meeting and asked Mr. Wolf if there is anything he can say to stop this program and Mr. Wolf said no. He feels no one is going to spend this kind of money for minimum use. This middle school has a lot of activity. The school is already lit up every night. There is no positive thing for the Village of Niles here. It's their program; let them take it to Park Ridge.

Helena Meier, 8141 Root Ct., Niles, IL 60714 came forward and was sworn in. Her yard faces the field. They want to put lights 60 ft. tall. The ground is already raised 10 ft. Now it will be 70 ft. Half the field was supposed to be for water retention when it was built. That's already destroyed. The parking spaces will be an issue. It seems the school has activities almost every day until 6 or 7. It used to be parking on one side of the street. Now those signs disappeared and it's parking on both sides. There are problems with the dogs too. Garbage along the fence is picked up maybe once a month. As a resident she is strongly against this. She was getting upset because she sometimes has trouble with her language [accent].

Chairman Kanelos told her don't ever be embarrassed about the language. She's here, she's an American and she can say whatever she wants.

Ms. Kolstad worked with the Village of Niles this year and they are replacing the parking lot at Emerson and Jefferson. There used to be standing water at Jefferson; that is being fixed right now.

Mr. Sotos said at the north end of the field, half of it is raised so it can drain. The south end of the field is basically retention and it still is that way today.

Mr. Ostman said yes, at the time Emerson school was rebuilt they worked closely with the Village of Niles to make that happen.

Ms. Meier said yes, retention used to be half the field. Now it's quarter of the field.

Pat Overhuls, 8140 N. Susan Ct., Niles, IL 60714 came to the podium and was sworn in. She has been there 26 years. When she moved in, Montessori School was there, then the Japanese school. There's always a lot of garbage. It seems there are events all summer long at this location. They need toilets. She sits in her yard and sees people urinating on the trees. Over at Field School they didn't allow dogs on the field for many years. There are dogs all over these fields and people don't pick up the poop. That's a problem. Emerson's janitors do not want to clean up the field. And they aren't there in the summertime. Only Lincoln School has summer school. So the trash is all over the place at Emerson in the summer. She's opposed to it. Someone told her if she doesn't like the kids she should move. Take a hike. Why should she have to move.

Bart Costa spoke again. If these lights are approved there is no way to control it. Once they leave this meeting and they have the lights, who will we [Niles residents] go to with any problems. It will be Park Ridge school, Park Ridge park, Park Ridge soccer. There would be nowhere to turn to once it is out of Niles hands. There are a lot of parks in Park Ridge and he feels they're trying to ram this down the throat of the Niles residents. No one spends this kind of money for a few games. It's only going to expand and get worse.

Chairman Kanelos said the parking variation this Board can grant. The lighting issue is a special use, therefore a recommendation to the Village Board. If it goes forward, there will be an opportunity to go before them to plead the case.

Tom Sotos spoke again. There is talk of Niles/Park Ridge during these talks. People who live in Niles in that area do send their kids to Park Ridge schools. That area goes to Field School. North of Oakton the kids go to Franklin School. Both are situated in the parameters of Park Ridge. The school district is called Park Ridge/Niles School District 64. We should all be working together. All the concerns can be addressed to make everyone happy. Please take that into consideration when making a decision.

Helena Meier came to the podium again. There is only a small area of Niles that belongs to Maine Township and PRPD. Maybe it's 10 blocks by 2 blocks. Go to Park Ridge to the park at Washington and Michael John Terrace [North East park]. There was no one playing there all day last Sunday. But there were games all day at Emerson.

Mike DeBartolo said he is a resident of Niles. You have now heard from the residents of Niles. We don't want Park Ridge coming into Niles and lighting up the fields. They are asking this Board as the first line of defense to stop this from happening.

Chairman Kanelos said if there is nothing else he will entertain a motion.

Commissioner Dubiel moved to **deny** 18-ZP-07 for a special use and

variation under Niles Zoning Ordinance 9.2(C)(2) to allow multiple new light poles that will each be 60 feet in height on the outdoor playing fields at Emerson Middle School located at 8101 North Cumberland Avenue, Niles, Illinois; and 2) a variation from Village of Niles parking requirements as provided in Zoning Ordinance Section 10.4 and Table 10.2. The Findings of Fact requirements for a special use were not met. The same holds true for the variation portion of this request. The Findings of Fact requirements were not met.

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

AYES: 3 Dubiel, DeBartolo, Kanelos

NAYS: 2 McConville, Schuller

ABSENT: 1 Nakanishi

There being three (3) affirmative votes the motion carried to deny.

*This vote was rescinded and reconsidered at the end of this meeting before adjournment. It is restated at the end of these minutes.

Chairman Kanelos called for the next item on the agenda.

18-ZP-08 Requesting approval of the following variations from Village of Niles Zoning Ordinances to allow a proposed 3-unit townhome development at 7501 Waukegan Road, Niles, Illinois:

- 1) A variation of one-foot and ten and one-half inches from Section 4.3(A) for front yard set-back requirements, to allow a thirteen-foot one and one-half inch front set-back where fifteen feet is required;
- 2) A variation of four-feet and six inches from Section 4.3(A) for rear yard set-back requirements, to allow a twenty-five foot and six-inch rear set-back where thirty feet is required;
- 3) A variation of seven feet from Section 4.3(A) for corner side set-back requirements, to allow an eight-foot corner side set-back where fifteen-feet is required;
- 4) A variation of four feet four and one-half inches from Section 9.4 for unenclosed porch encroachments, to allow unclosed porches to encroach into the front yard four feet four and one-half inches; and
- 5) A variation from Section 11.9(A) (1) for landscape buffer yard requirements, to allow the developer to construct a privacy fence instead of a required ten-foot wide landscaped buffer yard along the east property line.

Mr. Sylvester said this is a proposed re-development of property at 7501 Waukegan Road at the corner of Fargo Ave. There is a commercial business there, Brilliant Electric. The owner is proposing to raze the existing building and construct a three unit townhome development in its place. In order to accommodate three townhomes on that lot, the developer/property owner is

requesting variations from five village ordinances. The five requests are listed above. The required notifications have been provided in the newspaper, the mailed notices and the onsite notice as well. The developer is here.

The developer was called to the podium and sworn in.

Tom Heskin, 2101 Mary Jane, Park Ridge, IL. There is an existing masonry construction there that is close to fifty years old. It is no longer aesthetically pleasing to the community. By razing the property and converting it to residential, it will be more appealing. He read aloud how he has answered the questions from the Village in accordance with the 2020 Comprehensive Plan. He has contacted IDOT to obtain a curb cut to go out onto Waukegan. That would have enabled him to have the buffer on the side [item 5 above]. Unfortunately they would not. About ten years ago he built two homes across the street on Waukegan Road. Things were more convenient with IDOT back then. He's been working with the Village. They requested he lower the height, which he did. They **also asked to increase the aesthetics of the front façade of the building.** He did that also. The architect is here this evening. The Village projector experienced a malfunction tonight so he cannot show his color renderings on the overhead.

Mr. Sylvester said Mr. Heskin has been very good to work with. Staff told him to contact IDOT about the driveway [curb cut] but they are notoriously slow. That took 10 months. Staff told him they wanted the buildings more attractive; they wanted the height brought down. The developer did that. Staff also wanted some floor plan changes. He has been very accommodating to all the Village requests.

Chairman Kanelos asked if after that delay, IDOT denied him.

Mr. Sylvester said correct.

There were no questions from the Commissioners for Staff or the petitioner. It was time for public questions.

Barbara Hillbrick, 7022 Fargo, Niles, IL came forward to be sworn in. Her property is borderline east of subject property. She's lived there 26 years. That is a small property and there's no way you can cram this proposed development in there. She has pictures of the fence she sees from her home. All the slats have fallen out. It's a metal fence that rattles. Someone from the Village came to look at the fence and told her the owner is selling anyway in 10 years. She asked "so I have to look at that for 10 years?" Apparently so.

Commissioner Dubiel showed the plan to Ms. Hillbrick so she could see what is proposed.

Ms. Hillbrick said she wanted a 50 foot fence between her property and the proposed development. When she has company they have to look at this. And she's had to look at it every day. She thinks the new fence should come first before the new building. She's been waiting 26 years.

Roger Howard, 7505 N. Waukegan Rd., Niles, IL came forward and was sworn in. He is next [to the north] to Brilliant Electric. He lives there and also has his business there. His business is Espresso Wizard. He used to live in Chicago on Giddings St. It ended up too crowded and no parking so he moved to Niles to this location. If the landscaping of this new project is set aside, there would be a fence along the side where he enters his business/home. This would also be an area for snow to gather and block the access. Kids that live upstairs need that exit every morning at 7:30 to get downstairs to the school bus. The only other exit would be the back way through an alley and come back around. That would be a hardship. There already is a bush there where snow gathers. It would be worse with a fence.

Commissioner Dubiel had Mr. Howard look at the plans and pointed to the proposed fence. Mr. Howard explained the configuration.

Mr. Heskin explained some of the plans. Where it shows asphalt paved there will be no fencing. The bush will be gone.

There was discussion as they were looking at renderings of the site. Once again, there is no overhead projector to show this to everyone.

Mr. Howard said another concern is where they will put the snow when the property is plowed. It will have to be removed off site.

Tom Buckley, Architect, 5928 Eton Drive, Hoffman Estates, IL. He came to the podium and was sworn in. The drawings are preliminary in nature. The civil drawings are not yet prepared. The civil engineer will take care of snow removal and drainage issues.

Chairman Kanelos said regarding drainage, the civil engineer will have to design water management so it satisfies the Village of Niles and is not sheet draining onto someone else's property. Where they will plow snow is another question. His guess is snow will have to be removed from the property.

Mr. Howard asked how many parking spaces per garage are there.

Mr. Buckley said as many as four per unit. There is a 2-car attached garage and 2 spaces in front of the garage for each unit.

Mr. Howard asked how big is the set aside behind including the driveway.

Mr. Buckley said 25 feet 6 inches. The property where Mr. Howard lives and works is at zero lot line. There is no landscape buffer required. This is zoned residential.

Mr. Howard said the side of the new construction has the side of the home facing Waukegan like it's an afterthought.

Chairman Kanelos said there are homes like that all over the village where the side yard is facing the street. It is allowed.

Dimitri Livaditis, 7507 Waukegan Rd., owner of Sheepskin Depot, came to the podium and was sworn in. His family owns this building and Roger Howard is a tenant there. The building is 7505 through 7509 Waukegan Rd. The building is zoned commercial and it is a mixed use building. He knows this proposal is zoned residential. This proposal is not falling within the ordinance that is zoned residential. The Sheepskin Depot has been in Niles for 21 years. They started at Golf Mill, and then moved to Milwaukee Avenue, now to this space where they have been and expanded for 16 years. They take pride in this Village. His family has owned commercial and residential property in Niles for 50 years. The regulations are designed to protect our values, our uses and to promote the general welfare and health of the community. This proposal will hurt his property and his tenants and the central characteristics of the neighborhood. According to IDOT 12,000 cars pass by there each day. About half those cars [6,000] are going north. They don't have the space to build 3 townhomes. The buildings will be 32 feet tall. And it's going to be 8 feet off the sidewalk on Waukegan. So cars going north will not see his building/business until they look in the rear view mirror. And if that fence gets built, it's a security risk as well. He doesn't know who is lurking behind that fence. Plus since it is up against his property, he will have people barbecuing next to his parking spaces. The proposed development is also at the highest point on Fargo, even higher than his building. He's had issues with flooding in the past and had to install flood control. If the developer wants to build townhomes, he should build 2 townhomes. He then quoted the ordinance. The developer wants all these variances because he wants to jam these townhomes into a piece of property that is not big enough. If these variations get approved it will be a hardship on his property. Is there a more limited version of the development? Thanks for the opportunity to speak. He knocked on the doors of residences on Sunday and he got 39 signatures of residents who are against the variances for this project.

Mr. Heskin approached the Village twenty years ago about putting a second floor on his building. He was told he was not able to add one. Most residential homes are 10 feet apart. The hardship is when the Village rezoned his property it decreased in value 50%. He has accepted that hardship and is doing something about it. He's worked closely with the Village on this.

Louise Siuty, 7055 W. Birchwood, Niles, IL came forward to be sworn in. She wanted to know if Mr. Heskin can guarantee there will be only 12 cars parked at this new project. People from the apartments park on Birchwood during the winter. The school bus cannot make a right turn when dropping and picking up children. The street is already crowded with cars. No one parks on their driveway or in the garage. She said she and her husband are the only fools that park in the garage. You can check with the police department on how many times they have been there ticketing cars.

Mr. Livaditis spoke again. How many square feet is the building currently on the property? He doesn't see this as a hardship for the owner. The hardship is on him [Livaditis] and his tenants and the neighbors. Is there a lesser proposal? Is this the minimum of a variation that could be made there?

Mr. Heskin answered roughly 4,000 square feet.

Mr. Buckley spoke again. The initial design did not have open porches. In working with Staff, they felt it would add curb appeal. Other things were changed for aesthetics.

Ms. Hillbrick came forward again and said there is no way all those cars can fit there. This is not a hardship. She calls it greedy.

Mr. Howard agreed about the number of cars. Two units would fit nicely but three is too many. With two units everything wouldn't be so jammed together. He went on to talk about how it could be rehabbed and continue to be used for business property as it is now.

Mr. Buckley spoke again. If the variations are denied, how soon can they come back with a second proposal?

Chairman Kanelos said they would be better off tabling it - not denying it.

Mr. Sylvester said if it is denied, they would have to wait a full year. But if it is tabled they can be on the next [July] agenda. It should be submitted by June 15. And there does not have to be re-notification.

Chairman Kanelos said realistically, it should be August. However, July's meeting will be pushed back a week because of the 4th.

Commissioner Schuller asked when the property was rezoned to residential.

Mr. Sylvester said 2015 when they did the zoning map amendment.

Chairman Kanelos said there is another alternative where they could table it right now. Even if they decide not to make changes, they can come back next month.

Mr. Buckley asked to **continue** this request.

Chairman Kanelos made a motion to **table**.

Moved by Commissioner DeBartolo to **table** 18-ZP-8 until the next meeting, July 9, 2018.

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

AYES: 3 DeBartolo, Schuler, McConville

NAYS: 1 Dubiel

ABSTAIN: 1 Kanelos

ABSENT: 1 Nakanishi

There being three (3) affirmative votes the motion carried.

Chairman Kanelos called for the last item of the evening.

18-ZP-09 Requesting approval of an amendment to the special use permit granted by Ordinance 1964-47 to allow auto repair and limited outdoor vehicle storage at 8795 North Milwaukee Avenue.

Mr. Sylvester said in 1964 the Village approved a special use permit for a gas station at 8795 N. Milwaukee Ave. Many years ago the gas station ceased operation and only auto repair service was being provided at that address. When the original special use permit was issued for a gas station, it clearly stated there could be no overnight parking of automobiles or trucks. The past few years the Village has received a number of complaints about the appearance of this property along with the number of cars and trucks parked on the property for long periods of time. The owner is here tonight and we are to discuss how we can come to an agreeable solution. That would be an amendment to the special use permit specifically for auto repair. Rather than say no overnight parking is allowed, allow a limited number of vehicles to be stored overnight, specifically 6 vehicles. In exchange for that the owners are to improve the appearance of the property. It is described in the packet the Board has tonight. All the required notifications were satisfied for this.

Svetlana Grayzer, 312 Happfield Drive, Arlington Heights 60004 came forward and was sworn in. She is the owner of the business for 22 years.

Chairman Kanelos asked if she understood no more than 6 cars can be parked outside. If there are more cars, they can be stored on the inside, but only 6 on the outside. She gave the Board a description of what she is willing to do to make the property look more presentable.

Commissioner Dubiel said the Village responded to her. There should be no vehicle parked in the lot for more than two weeks. No commercial vehicles can be stored outside anymore. The outside of the building is to be improved as well as the landscaping. Is there a date when this will be complete?

Ms. Grayzer agreed to everything the Village proposed. It should be done by November 30, 2018.

Chairman Kanelos asked if there were more questions.

Diane Scarpelli, 8716 N. Wisner, Niles, IL was sworn in. Ice cream trucks and other trucks have been parked there for years. Now they are requesting just to park cars there? And there are landscaping trucks parked there with debris.

Chairman Kanelos explained what they are going to be allowed to do. Ms. Grayzer said they will be getting rid of things on the property now and will have no more than 6 vehicles at time.

Ted Karabatsos, 7333 Jonquil, Niles, IL came forward and was sworn in. Where are their property lines? [He is going over the map with Commissioner Dubiel.]

Chairman Kanelos said there were probably 40 cars parked there Sunday night. But those would have been from the restaurant.

There was discussion about the property lines and parcel lines.

Chairman Kanelos reminded the petitioner if she violates any of these restrictions, there is a process to remove the special use and she no longer will be able to operate a business there.

Attorney Grcic said that includes anything over the 6 cars allowed and anything off that permitted space to park the 6 cars.

Ms. Grayzer spoke of the restaurant people parking on her property in the evening.

Chairman Kanelos told her she has rights regarding that and she could have them towed. He entertained a motion.

Commissioner Dubiel moved to **approve** 18-ZP-09 requesting to amend the special use permit granted by Ordinance 1964-47 to allow auto repair and limited outdoor vehicle storage at 8795 North Milwaukee Avenue with the following **conditions: the building façade improvements as proposed by the applicant and the landscaping improvements to the site must both be completed no later than November 30, 2018. No more than 6 vehicles can be parked outside overnight. No vehicle may be parked on the lot for more than 2 weeks. No commercial vehicles may be stored on site.**

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

AYES: 5 Dubiel, McConville, DeBartolo, Schulter,
Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

There being five (5) 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. Anyone in the audience who would like to be informed as to the date this will be heard by the Board of Trustees, leave your name and address with the recording secretary.

Chairman Kanelos said there was a problem with one of the votes. He made a motion to rescind and reconsider the vote on 18-ZP-07. This was Commissioner Dubiel's request to deny.

*Commissioner Dubiel moved to **rescind and reconsider** .

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

AYES: 5 Dubiel, McConville, DeBartolo, Schuler, Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

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

Chairman Kanelos said they will now re-vote. The motion is the same as originally stated as follows:

Commissioner Dubiel moved to **deny** 18-ZP-07 for a special use and variation under Niles Zoning Ordinance 9.2(C)(2) to allow multiple new light poles that will each be 60 feet in height on the outdoor playing fields at Emerson Middle School located at 8101 North Cumberland Avenue, Niles, Illinois; and 2) a variation from Village of Niles parking requirements as provided in Zoning Ordinance Section 10.4 and Table 10.2. The Findings of Fact requirements for a special use were not met. The same holds true for the variation portion of this request. The Findings of Fact requirements were not met.

If the Commissioners agree and want to **deny** the light poles special use and parking variation, vote yes.

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

AYES: 4 Dubiel, DeBartolo, Schuler, Kanelos

NAYS: 1 McConville

ABSENT: 1 Nakanishi

There being four (4) affirmative votes the motion carried to deny.

DISCUSSIONS

There were none.

ADJOURNMENT

Chairman Kanelos made a motion to adjourn.

Commissioner Schulter moved to adjourn.

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

AYES: 5 Dubiel, McConville, DeBartolo, Schulter,
Kanelos

NAYS: 0

ABSENT: 1 Nakanishi

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

The meeting adjourned at 9:55 P.M.

Kathleen Janessa, Recording Secretary