

VILLAGE OF NILES

*1000 Civic Center Drive
www.uniles.com*



Final Approved Meeting Minutes

Monday, July 6, 2020

7:00 PM

Village Hall

Planning and Zoning Board

Chairman

Thomas Kanelos

Members

Susan DeBartolo

Morgan Dubiel, Vice Chairman

Ted Karabatsos

Terrence McConville

Barbara Nakanishi

Robert Schulter, Secretary

Charles Ostman, Community Development Director

This Electronic Meeting is open to the public and the public may submit public comment in advance. Public comments will be accepted by email and phone call beforehand. Members of the public who would like to make a comment during the hearing via Zoom may sign up using the online form at <https://www.vniles.com/FormCenter/Zoom-Public-Comment-Registration-22/July-6-Planning-Zoning-Public-Comment-246>. Public comments received by 5:00 p.m. on the day before the meeting will be read at the beginning of the meeting. Any comments received during the meeting will be held until the end of the meeting. Public comments should be emailed to nbb@vniles.com and contain: name; address (optional); city; phone (optional); and the agenda item you would like to comment on. Members of the public with no access to email may leave a message at 847-588-8077.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

The Niles Planning and Zoning Board was called to order at 7:02 P.M. All rose for the Pledge of Allegiance.

Statement read by Chairman Thomas Kanelos:

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

you always do. If inappropriate language or comments are expressed during this meeting by the public or any other speaking person, we will mute that speaker and end their participation. Thank you.

The Niles Planning and Zoning Board was called to order at 7:02 P.M. All rose for the Pledge of Allegiance.

PRESENT: 6 Chairman Thomas Kanelos, Commissioners Ted Karabatsos, Susan DeBartolo, Robert Schulter, Barbara Nakanishi and Morgan Dubiel

Also present was Director of Community Development Charles Ostman, Planning Technician Nathan Bruemmer and Village Attorney Danielle Grcic. Commissioner Terrence McConville was absent.

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of March 2, 2020. There were none. He entertained a motion.

Commissioner DeBartolo moved to **approve** the minutes of March 2, 2020.

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

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

NAYS: 0

ABSENT: 1 McConville

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

PUBLIC COMMENT

The public is allowed to ask questions or comment after the Board has heard the petitioners’ testimony following each case.

OLD BUSINESS

None

NEW BUSINESS

1. ~~20-ZP-03, 8307 W Golf Rd~~ **POSTPONED INDEFINITELY**

~~A request for a Special Use Permit to allow a “Massage Services Establishment” at My Salon Suite, 8307 W Golf Rd., Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.~~

2. 20-ZP-04, 6681 N Milwaukee Ave

A request for a Special Use Permit to allow ‘Arts Studio’ (Dance Time with Friends) at 6881 N Milwaukee Ave., Niles, IL 60714 as required by Section 5.2(A)(2) of the Zoning Ordinance.

Nathan Bruemmer, Planning Technician, presented this case. Legal notice was published in The Bugle on June 19, 2020. A sign was placed on the property on June 16, 2020. The legal notice was also posted on the Village website and in the lobby of the Village Hall. This business is relocating from 8800 W Dempster St., Niles to 6881 Milwaukee Ave., in Niles. At the present time, Home Heating and Cooling occupies this entire building. That business is now going to downsize and use half of the building, leaving the other half available for Arts Studio (Dance Time with Friends). Dance studios are included in the definition of an arts studio in the Zoning Ordinance. They are a permitted use in the C-3 district. He explained there are restrictions and those are included in the Staff report in tonight’s packet. It requires non-residential uses to receive a Special Use permit. The subject property is located in that restricted use area.

Chairman Kanelos asked if there were any questions from the Commissioners for Staff. There were none.

The petitioner, Iluminada De La Cruz, 9405 Oketo Ave., Morton Grove, IL 60053, was called to the podium and sworn in by Chairman Kanelos. [Electronic swearing in is as good as in person according to Village Attorney Danielle Grcic.] Mrs. De La Cruz felt there was no additional information to what Mr. Bruemmer already stated.

Commissioner Schulter said within the packet the address is stated as 6881 N. Milwaukee. Is it going to be changed since the building is being split; such as 6881-B?

Mrs. De La Cruz thinks it will be changed to A or B, but that has not happened yet.

Chairman Kanelos said the Community Development Department should handle that.

Commissioner DeBartolo asked if there is going to be only one employee.

Mrs. De La Cruz said yes, she is the only employee and her husband helps her.

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

Commissioner Dubiel moved to **approve** item 20-ZP-04, a request for a Special Use Permit to allow 'Arts Studio' (Dance Time with Friends) at 6881 N Milwaukee Ave., Niles, IL 60714 as required by Section 5.2(A)(2) of the Zoning Ordinance.

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

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

NAYS: 0

ABSENT: 1 McConville

There being six (6) affirmative votes the motion carried

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate this recommendation. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date and anyone in the audience who would like to be informed of the Board of Trustees date should leave their name and address with the recording secretary.

3. 20-ZP-07, 7255 N Caldwell Ave.

A request for a Special Use Permit to allow a 'Social Club/Lodge' (VFW Post 3579) at 7255 N Caldwell Ave., Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

Nathan Bruemmer, Planning Technician, presented this case. A legal notice was published in The Bugle on June 19, 2020. Notices were mailed to all owners of property within 250 ft. of 7255 N Caldwell on June 16, 2020. An on-site sign was also placed on the property on June 16, 2020. The agenda was posted on the Village website and in the lobby of the Village Hall. The applicant is seeking to relocate VFW Post 3579 from its current location at 6839 N Milwaukee Ave, [in the White Eagle Banquet Hall] to 7255 N Caldwell. The location was formerly Advocate Medical Immediate Care Center. The property is zone C-1 and the VFW would be a social club/lodge. It is required they seek a Special Use permit.

Chairman Kanelos asked if there were any questions for Staff from the Commissioners. There were none. The petitioners are present.

Chairman Kanelos called the petitioners, Jim McGrath, President of Veterans Club [no address stated] and Harry Benjamin, Post Commander, 6323 N. Kolmar Ave., Chicago, IL 60646, to the podium where they were sworn in. On behalf of all the Trustees and Commissioners, thank you for your service. God bless you and all the veterans of our great nation. Thank you.

Mr. McGrath said they are anxious to relocate from a leasing situation to one that they will own outright. He believes they are good for the Village of Niles, good citizens, and have many charitable interests.

Chairman Kanelos asked if there were any questions from the Commissioners. There were none. As for questions from the public, Mr. Bruemmer stated the Community Development Department received a few letters, which he will read.

The first letter is from Larry Murg, principal at Logos Christian Academy, just north of the proposed VFW location:

Honorable officers and public servants of the Village of Niles. My name is Laurentiu Murg. I am a US citizen and hold the position of principal of Logos Christian Academy at 7280 N Caldwell Ave. We have been at this location since 1994. I am very thankful this is our first owned property since the school started. We enjoy this location and our relationship with Niles leaders. We are thankful to the Lord as Serbians for the respect the Village has given us throughout the years. With respect to the Special Use permit requested to serve alcoholic beverages at the property, we respectfully and humbly request the Board to deny such a permit within the immediate vicinity of this address as there are 300 school children from 3 years old to 18 years old. This can potentially increase the risk of DUI accidents involving our students who often cross the street to buy snacks at the adjacent gas station. It could potentially expose them to inebriated innuendo and put them in peril with traffic coming out of the lodge. This property is way too close to our property. I hope and pray that the VFW would seek another location in the Village that will not have an impact on a school and the well-being of so many kids and students. This letter comes from a sincere and deeply held conviction that we have in mind the best interests of the students and families we are serving. Rest assured that our teachers and I will continue to pray for you and ask the Lord's blessing on the Village and all the families of those who serve our community.

The next letter is from the lawyer for the Bethany Romanian Pentecostal Church, 7301 N Caldwell, Niles:

To Whom It May Concern:

I am writing on behalf of the Bethany Romanian Pentecostal Church, 7301 N Caldwell, Niles, regarding the Special Use petition for VFW Lodge 3579 to be located at 7255 N Caldwell Ave. that is being considered at a public hearing on July 6, 2020. Before granting a Special Use, the Village must review whether the proposed request is compatible with the general land use of adjacent properties and other properties in the vicinity and must also determine if the proposed use would invade the public health, safety and welfare. It is my client's understanding the proposed use would be permitted to serve on-site alcohol and carry on activities with tendencies to create public disorder. The church conducts numerous activities throughout the week for children and youth and believes the prospects of public drunkenness next door would be harmful to its young members. Indeed, municipalities universally acknowledge that uses where alcohol is served are not compatible with certain types of uses such as churches and schools. The stretch of Caldwell Avenue that the proposed use sits on contains 4 churches and a school. Accordingly, the church does not believe that the proposed social club/lodge is compatible in that location and renders health, safety and welfare of those uses.

Very truly yours,

Soren A. Leofou

The final letter is from the pastor of Logos Baptist Ministries at 7280 N Caldwell Ave, Niles.

Dear Public Servants of the Village of Niles:

My name is Daniel Chiu and I serve as pastor of Logos Baptist Ministries. This is our 4th location. We started in 1982 and must confess nowhere has our congregation been treated as polite and respectful as here. We are thankful to the Lord for the leaders of the Village of Niles who have given us support through the years to have excellent conditions for our ministry. In regard to this Special Use permit to allow alcoholic beverages at the property identified by PIN 10-30-403-013-0000, we respectfully ask the Board to deny such a permit knowing in the immediate area there are 4 churches that serve our community and especially our children and youth. We think the entity seeking such a permit could find another location in the Village that would not impact negatively our ministries and our children and youth. We ask the Lord's blessing upon you, upon your families, upon the Village of Niles and upon the people who serve the community.

Sincerely,

Daniel Chiu, Pastor.

Chairman Kanelos asked Mr. Bruemmer if there were any people online who wish to comment. There were none. He added right now they are looking at a zoning issue related to allowing a Special Use for a social club/lodge. Whether or not they serve liquor is the issue of another department and it is not ours. Correct?

Mr. Bruemmer said correct.

Chairman Kanelos asked how the addition of gaming machines impacts the new rules about gaming. Is it still going to fall within the proper amounts of gaming machines or will that be another department as well?

Charles Ostman, Director of Community Development, responded. It is the Liquor Commissioner that handles gaming licenses. That has not been discussed at all.

Chairman Kanelos asked if there is ample parking for the use. The answer is yes. Hours of operation are from noon until 11 P.M., correct?

Mr. McGrath answered that is correct. Normal times during the week would be not later than 11 P.M. They do have a license right now that allows them to stay open past midnight. They rarely do. He cannot say for certain if on a Saturday night there was a party of some sort and they would stay open.

Chairman Kanelos asked how late that might be.

Mr. McGrath said it could be until 2 A.M.

Chairman Kanelos asked if they have a 2 A.M. license.

Mr. McGrath said yes, but they rarely have anything going that late.

Chairman Kanelos asked how often is the facility booked for parties, etc. How many police being called out or neighborhood incidents have there been? Drunk and disorderly or anything like that.

Mr. McGrath said they average 3 parties a month. He said there have been zero incidents in the 4 years they have been at the White Eagle. Prior to that it was a much smaller operation on Caldwell. The busiest hours are between 6 and 9 P.M.

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

Commissioner DeBartolo moved to **approve** item 20-ZP-07, a request for a Special Use Permit to allow a 'Social Club/Lodge' (VFW Post 3579) at 7255 N Caldwell Ave., Niles, IL 60714 as required by Section 8.2(A) of the Zoning Ordinance.

Chairman Kanelos confirmed with Mr. Ostman this case meets any state requirements for distance between alcohol service and a school. If it does not the VFW will not be able to locate there, right?

Mr. Ostman answered yes. The minimum requirement is 100 ft. and it goes from building to building.

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

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

NAYS: 0

ABSENT: 1 McConville

There being six (6) affirmative votes the motion carried

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate this recommendation. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date and anyone in the audience who would like to be informed of the Board of Trustees date should leave their name and address with the recording secretary. Once again, thank you and God bless America.

DISCUSSIONS

None

ADJOURNMENT

Chairman Kanelos entertained a motion to adjourn.

Commissioner Dubiel moved to adjourn.

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

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

NAYS: 0

ABSENT: 1 McConville

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

The meeting adjourned at 7:28 p.m.

Kathleen Janessa, Recording Secretary