

VILLAGE OF NILES

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



Final Approved Meeting Minutes

Monday, July 9, 2018

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

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: 6 Chairman Thomas Kanelos, Commissioners Susan DeBartolo, Robert Schullter, Barbara Nakanishi, Terrence McConville and Morgan Dubiel

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

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of June 4, 2018. There were no additions, clarifications or corrections to the June minutes.

Commissioner Dubiel moved to **approve** the minutes of June 4, 2018.

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

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

NAYS: 0

ABSTAIN: 1 Nakanishi

ABSENT: 1 Karabatsos

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

OLD BUSINESS

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 two feet four and one-half inches from Section 9.4 for unenclosed porch encroachments, to allow unclosed porches to encroach into the front yard two feet four and one-half inches; and**
- 2) 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.**

Bruce Sylvester, Senior Planner, presented all cases tonight. This request was discussed at length a month ago. The applicant has modified his plans by reducing the size of the proposed townhouse units, thereby eliminating three of

the five variations he was previously requesting. This project is located at 7501 Waukegan. The revised site plan for the development is shown on the overhead for viewing. One variation is for not installing a landscape buffer yard on the east side of the development, due to the fact IDOT would not allow a driveway directly onto Waukegan. Therefore the driveway has to be off Fargo which eliminates the possibility for a landscaped buffer area on the east side of the property. The second variation is at the request of Staff.

In Staff's opinion, the applicant is installing attractive front porch roof coverings over the front entryways to make it more architecturally interesting. However, those intrude into the required yard more than Village ordinances allow. Staff encouraged the applicant to add those roof coverings to make the development more attractive. That intrusion into the required yard is the second variation requested by the applicant.

Commissioner Dubiel asked what architectural change is causing the change in elevation.

Mr. Sylvester said the addition of the front porch features necessitated the variation. The Village allows them and they are allowed to intrude a certain amount into the front yard; but these intrude more than the Village allows. If the applicant eliminated them, he would have one less variation request. But it is the opinion of Staff the buildings are more attractive with those architectural details.

There were no additional questions for Staff from the Commissioners.

Chairman Kanelos called for the petitioner to come forward.

Thomas Heskin, 2101 Mary Jane Lane, Park Ridge, IL was sworn in. He thanked the Board for allowing him to revise the drawings of his development based on feedback from last month's meeting. He shrunk the building substantially. The major issue is the center unit is now going to be two bedrooms, whereas before all three units were three bedrooms. By doing that he has eliminated three of the five variations originally requested at last month's meeting. The 10 ft. buffer variation to the east will now provide a 6 ft. solid cedar fence. The neighbor was rightly distraught over the existing chain link fence. The new fence will run the whole property line on that side. The only other variance is having the front porches enclosed to add aesthetics to the neighborhood and allow the development to have a homier feel. In looking at the development at the corner of Waukegan and Howard, there is nothing aesthetically pleasing about those townhomes. Hopefully the neighbors will find this new development pleasing to look at today, tomorrow and thirty years down the road. Kitty corner across the street at 7456 and 7460 Waukegan the petitioner constructed two single family homes approximately fifteen years ago and the neighbors seem to be satisfied with the overall construction of those homes. The Village of Niles rezoned the property resulting in a non-conforming structure which depreciated the property value by approximately 50%. After

paying property taxes and having this property in his family for almost fifty years - to offset the loss in value, he came to the realization this property used for residential purposes is in the best interests of everyone involved and abides by the Village's long term redevelopment goals. If both variances are granted he feels it will allow a greater attraction to the neighborhood which will far surpass the structure there now. That structure has been there since 1972. The unique circumstance is that now with the rezoning of the property, this can only be used for residential property. He feels this will complement the commercial property to the north, and residential property to the east and south. He has a color rendering on a zip drive which is now showing on the overhead.

Chairman Kanelos asked about G7, which is the site plan. The note says 4 ft. high privacy fence along the property line. He presumes that is an error.

Mr. Heskin said yes. It will be a 6 ft. high privacy fence.

Commissioner Dubiel asked the petitioner if he was planning on submitting a plat of subdivision if this is approved.

Mr. Heskin said yes, he has already discussed it with the Building Department and it is something he has to do.

Chairman Kanelos then asked if there were questions from the public.

Martin Stankowicz, 6936 Fargo, Niles, came to the podium and was sworn in. He is a lifetime resident of the Village of Niles and has been in public safety for sixty years. He wants to address the width of the street. Fargo was paved in 1926 through the WPA. It was and still is a narrow street. Jarvis, Dobson and Birchwood Streets are wider. He would like the Village to consider that. Secondly, there is parking on both sides of the street. He knows ambulances and fire trucks are wider than passenger cars. When it was originally built in 1926 it was in accordance with the size of an automobile. Cars are much wider today. In 1926 the Village had fewer than 2,000 people, now it has 30,000 residents. Did the fire department attend any of these meetings to see if their equipment will fit when there is parking on both sides of the street? His main concern is parking. He appreciates this Board represents the interests of the residents, however the main consideration should always be public safety. Keep that in mind when you vote on this item tonight.

Chairman Kanelos said the packet, design and everything this Board receives for zoning items is also sent to the police and fire departments for their review and comments. There are no concerns from either of them regarding this project.

Dimitri Livaditis, Inverness, IL came forward and was sworn in. He is the owner of Sheepskin Depot at 7507 N. Waukegan. His family owns the building at 7505 thru 7509 N. Waukegan. It is the property adjacent to the proposed development. He also spoke last month. He appreciates the fact that three of the variations

have been eliminated. He has concerns about the landscaping plan. On the overhead he showed a tree that may be planted at the North West corner of the development that he is concerned will block the view of his building from traffic. It may be a maple which could grow quite large. It could impede visibility to his property from March to November. He knows the Village requires a certain amount of landscaping but he hopes there can be some sort of contingency as to size of what is planted.

Chairman Kanelos asked the developer what type of tree he planned to plant there. [It is a marmo maple.]

Mr. Heskin said he is willing to make modifications to the landscaping so as to satisfy the Village requirements in having the proper greenery for aesthetics and also for the neighbors to enjoy. He also addressed Mr. Stankowicz's concern about parking. He did abide by Village requirements and there is both indoor parking on site for the unit owners as well as off road parking on site for the units which is shown on the overhead.

Mr. Livaditas spoke again. He said when the petitioner's property was rezoned to residential, so was his. It's not as though his situation is unique. That whole stretch along Waukegan has been rezoned. He wants to make sure anything planted there is appropriate.

Chairman Kanelos asked Mr. Sylvester if that particular type of tree is a requirement at that location.

Mr. Sylvester said there are certain requirements; the developer did submit a landscape plan. A professional reviewed it and said it meets the Village requirements. He believes another type of tree can be substituted.

Chairman Kanelos said if that is the most important thing standing in the way of this case, he thinks it a reasonable request from the neighbor and it is not too much to ask of the developer. He will leave that up to whoever makes a motion.

Commissioner Schulter asked if it is okay with the Village if nothing goes there. Or does something have to go there?

Mr. Sylvester said they could have the person who reviews the landscape plans for the Village review a revised plan. He could say that tree needs to be relocated. Or the Planning and Zoning Board could eliminate it and include that as another variation.

Chairman Kanelos said that the motion could say whatever goes on that corner should not exceed 5 or 7 feet in height, whatever type of tree that may be. This would allow the Village and the landscaper to determine what would look nice there.

Barbara Hillbrick, 7022 Fargo Ave., Niles. She lives on the property directly east of the proposed development. What are the exact measurements of the fence?

Chairman Kanelos said 6 feet tall and along the whole side of the property.

Mr. Heskin said for aesthetics the fence would drop to 4 ft. in height once they get to the beginning of the building.

Commissioner Dubiel showed with a pointer on the overhead where the fence would run. They can leave it 6 feet all the way down or drop to 4 feet once they get nearer the front of the project.

Ms. Hillbrick said she would rather leave it 6 feet. It needs to be resolved before anything else. She has been waiting 20 years for a decent fence there. She doesn't think it's fair that she still has to wait until he gets certificates of occupancy for whoever purchases the townhomes.

Mr. Sylvester said when the developer gets a fence permit, the Village does not allow fences to be 6 feet in height forward of the front wall of the building. So the fence will not go closer to the front sidewalk than the front wall of the building.

Commissioner Dubiel showed Ms. Hillbrick on the overhead exactly where the fence will stop and start. The current fence is in the same location. It stops roughly 4 feet back from the sidewalk.

Chairman Kanelos said perhaps Mr. Heskin can put plantings there to take up the rest of the area from where the fence ends.

Mr. Heskin said he is happy to do that.

Betty Rolla came forward to try to talk about something else regarding what happened with the storage building proposed to be built a bit farther south on Waukegan.

Chairman Kanelos said this Board has no information regarding that.

Commissioner Dubiel asked how will this look going forward if the Board is accommodating the landscape changes for this project. Can they all just work together to get this done to satisfy everyone?

Mr. Ostman said there are certain species of trees that are not allowed in the Village. That is the main concern.

Chairman Kanelos said if there is a height limit as to what is being planted there, it should satisfy everyone and they all get what they want. There are conditions put in place all the time. He would prefer the Board includes it as part of the motion.

Commissioner Nakanishi moved to **approve** case 18-ZP-08 for the consideration 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 two feet four and one-half inches from Section 9.4 for unenclosed porch encroachments, to allow unclosed porches to encroach into the front yard so they are nine feet seven and a half inches from the front property lines where twelve feet is required; and
- 2) 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.

This case satisfies the requirements for variations in findings of fact. It is understood the developer will work with the Village to change the proposed maple tree next to Sheepskin Depot and still install landscaping that reaches the height of seven feet or less, perhaps lilacs.

Mr. Sylvester said there also is a Staff recommended condition.

Commissioner Dubiel asked whether the developer can build without a plat of survey.

Mr. Ostman said it doesn't need to be a condition. He can not build or go forward without a plat of subdivision.

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

AYES: 5 Nakanishi, McConville, Dubiel, DeBartolo, Schuller

NAYS: 0

ABSTAIN: 1 Kanelos

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

NEW BUSINESS

18-ZP-10 Requesting approval of an amendment to the special use permit granted by Ordinance 1989-2 and per Village of Niles Zoning Ordinance Section 8.2 to allow modifications to the drive through aisles and parking lot at the McDonald's restaurant located at 7969 Milwaukee Avenue.

Mr. Sylvester said in 1989 McDonald's at Oakton and Milwaukee received a special use permit for their drive thru lane. Many McDonald sites are increasing their capacity by adding multiple order boards usually through multiple lanes merging into one at the windows. This is what they are requesting. Because drive thru facilities are special uses, and because this

will be a substantial modification to the drive thru area, Staff determined they needed to request approval to amend their special use before they can make these modifications. The biggest concern among Staff is parking and traffic impacts. Staff has been working with the developer on this. Parking is adequate on site except they fall a couple short. However they do have a formal written parking agreement with Jerry's Fruit Market to the south. Because of that agreement, Staff believes there is sufficient parking on site. The second issue that took the most amount of time to resolve is the traffic flow impact on the site, specifically how trucks will maneuver. Jerry's has large trucks delivering as does McDonald's. This also includes garbage trucks, etc. All required notifications were provided.

Commissioner Schulter asked what will happen with the handicapped spots that will be taken away.

Mr. Sylvester said they are being moved closer to the entrance. There will be as many as required. He's not sure if there will be as many as there are now.

Commissioner Dubiel said the plans refer to parcel 1, parcel 2 and parcel 3. Where is parcel 3?

Mr. Sylvester said he believes McDonald's and Jerry's are parcels 1 and 2. He isn't sure where parcel 3 is. He asked the Board if there was a copy of the plat in the packet. Sometimes there are lot lines, sometimes parcel lines.

There was much discussion about where the parcels are.

Chairman Kanelos asked Commissioner Dubiel what he was getting at.

Commissioner Dubiel said if parking is an issue and they only have shared parking through an easement for parcels 1 and 2, he wants to understand where the parcel lines end. And where is parcel 3? [He just found it and is showing it on the overhead]. It runs along the north end of Jerry's.

Chairman Kanelos said McDonald's is within two spots of what is required. In addition they have an agreement with Jerry's.

Mr. Sylvester said Village ordinance requires 10 parking stalls for each 1,000 square feet of non-kitchen area of the building. This McDonald's has 3,896 square feet of non-kitchen area requiring 39 parking stalls. After the proposed modifications are made, there will be 33 stalls. They have a formal recorded agreement for shared parking, and ingress and egress, with Jerry's Market to the south. It meets all Village requirements.

There were no more questions from the Commissioners.

Chairman Kanelos called the petitioner to the podium. He was sworn in.

Dan Olson, Civil Engineer, 2631 Ginger Woods Parkway, Aurora, IL. He thanked the Board for their time this evening and for the time and attention Staff has given to this project. They made one small modification to what was submitted to this Board. They shortened a landscaped island in order to allow truck movement. That resulted in the loss of 2 additional parking stalls. On McDonald's site proper, the number will now be 31. He went on to describe the efficiency of another drive thru lane. This store is currently 73% drive thru. This is the reason for all the time and money to expand the drive thru and make sure customers have a good experience. This will decrease long single lane stacking lines. The site plan works well with the neighbors.

Commissioner Dubiel asked about truck deliveries. Is this relevant to McDonald's or to Jerry's?

Mr. Olson said to McDonald's. He had the plan on the overhead and discussed the traffic flow. McDonald's 53 ft. delivery truck will stay solely on their site. The delivery is all palletized now and they have created a walkway from where the truck will be parked; then the pallets will be taken to the delivery door. They deliver twice a week. They are usually there 45 minutes to an hour.

Commissioner Dubiel asked if this would be during the non-busy time.

Mr. Olson said currently they deliver late afternoon or early evening. He doesn't know the exact peak hours at this location.

There was discussion about the layout of the parking lot while explaining what is shown on the overhead.

Commissioner Schuller asked if they can have the deliveries at 9:00 at night. It seems the truck is going to disrupt the parking lot at peak hours.

Chairman Kanelos said it is a good point but is not part of the zoning issue.

Commissioner DeBartolo is concerned about the handicapped spots. There will be cars in line blocking those spots.

Mr. Olson said currently there are two handicapped spots. There will continue to be two. Code dictates those should be the closest stalls to the entrance. Once there are two lanes for the drive thru, the stacking will be rare if they back up to the handicapped stalls.

Commissioner Dubiel said sometimes the order does not get filled right away and one has to pull to a holding stall to wait for delivery.

Mr. Olson said there will be two holding spots. The capacity and the efficiency will increase with the addition of another lane. When parking stalls are full, people tend to go to the drive thru and vice versa.

Commissioner Dubiel asked about the Culver's on Dempster regarding their single drive thru lane.

Mr. Ostman said that is Morton Grove.

Chairman Kanelos mentioned Starbucks at Touhy and Milwaukee. There was a lot of concern when that was approved for drive thru but it has worked out very well.

Commissioner DeBartolo said McDonald's on Dempster near Cumberland has two drive thru lanes and they are never stacked up.

Commissioner Dubiel is concerned about the removal of two more parking spaces in the plan.

Mr. Ostman said it still meets all the parking requirements even with shared parking with Jerry's Fruit Market.

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

Commissioner Nakanishi moved to **approve** case 18-ZP-10 for consideration of a request to amend the special use permit granted by Ordinance 1989-2 to allow modifications to the drive through lanes at McDonald's at 7969 Milwaukee Avenue.

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

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

NAYS: 0

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. 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.

18-ZP-11 Requesting approval of a plat of subdivision to create a lot of record for lands located at 9400 Milwaukee Avenue (Panera).

Mr. Sylvester said this is a straight forward request to create a lot of record.

Typically the owner of the building [and business] would create a tax parcel. But they requested a lot of record be created so they not only have a tax parcel but also a legal lot of record. To create a lot of record is through a plat of subdivision. They have prepared this plat of subdivision; it has been shared with Staff and also the Village Clerk, Village Engineer and in house Plat Specialist, Bob Pilot, in Public Services. It has been reviewed by all including a professional surveyor.

Chairman Kanelos asked if there were any questions from the Commissioners. There were none. He asked if the petitioner was present. He was not. There were no questions from the public. He entertained a motion.

Commissioner Nakanishi moved to **approve** case18-ZP-11 with a requested plat of subdivision to create a lot of record for lands located at 9400 Milwaukee Avenue (Panera).

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

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

NAYS: 0

ABSTAIN: 1 Dubiel

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.

18-ZP-12 Requesting approval of a variation from Village of Niles Zoning Ordinance Section 6.3(B)(3) to allow metal exterior building materials for a proposed building addition to Rich Products at 6200 Mulford Street.

Mr. Sylvester said the Board may remember this address. About a year ago Rich Foods requested a variation for a proposed building addition that did not meet setbacks and exterior building requirements. Rich Foods continues to invest in their facility. They are now requesting a new addition which meets setback requirements. However they are requesting the exterior materials on the addition be metal siding. Village zoning ordinance states buildings need to be masonry or other allowable materials, but metal is not one of them. All the required notifications have been taken care of.

There were no questions from the Commissioners.

Chairman Kanelos called the petitioner to the podium.

moving signs. A decade ago the Board was concerned with aesthetics of these being put up. Now everyone seems to want these signs. Is it still a concern to the Village?

Mr. Ostman said he thinks the regulations that are in place work well in limiting the amount of electronic signage. One of the things with this request is that the electronic portion cannot be more than 25% of the total signage. It does have to be reviewed by the Building and Zoning Committee. One change made during the last year is to allow multi-colored signs. Mostly electronic signs are informational.

Mr. Sylvester said late in the review process, the Public Works Staff expressed a concern about the more southerly sign in front of Tam. That may be in conflict with some buried utilities.

Chairman Kanelos asked what became of that.

Mr. Sylvester said there is a copy of that in the packet. It shows where the underground utilities are. If the sign is approved tonight, they should be sure to avoid the underground utilities.

Commissioner Schulter said Caldwell is a state road. The utilities are there by permit. So Niles Park District has to reach out to the utility companies if there is a conflict. They may not be able to put the sign there.

Mr. Sylvester said he would communicate that with the Niles Park District.

Commissioner Schulter said he has seen this happen before. They may have to come back in front of the Board because the sign may not be able to go where it is requested.

There were no more questions for Staff.

Chairman Kanelos called for the petitioner.

Dan Shapiro, attorney for Niles Park District, 618 Academy Drive, Northbrook, IL came to the podium. He did not need to be sworn in. Both the applications are identical. They are aware of any sort of conflict with the utilities. They will work with the Village as the case may be to make sure that doesn't happen. The reason they need a variation is because they want more than 25% of the ground sign to be an electronic message. These are two visible centers, the LoVerde Center and Tam Tennis, and they want to make sure the public is informed of all the programs, changes and other information the signs will provide. Both electronic messages will be amber, not different colors. All other requirements were addressed in the applications.

Commissioner Schulter asked if he knew where the conflict is with the utilities.

Mr. Shapiro said no. If there is a conflict, they will look to see another location for the sign. If they have to come back to this Board, they will.

Commissioner Dubiel said on record Niles Park District is asking just for a special use. On the application they are asking for a variation, which Mr. Shapiro just stated verbally. They want more than the 25% area of the ground sign.

Mr. Shapiro said correct. The application itself may not have indicated the variation.

Commissioner Dubiel said he is looking at the physical application and you request both a special use and a sign variation. What the Village put together and what the Board is obligated to look at is not what Niles Park District is asking for. Should this be tabled?

Mr. Ostman said no, it is just a special use. The language in the sign code indicates if they cannot comply with that section for the electronic message center, a special use is required - not a variation.

Commissioner Dubiel then asked - So a variation from the sign code is not a variation but a special use?

Mr. Ostman said yes, that's how it's written.

There were no other questions from the Commissioners. The public then asked questions.

Barbara Nakanishi, 6620 Wood River Dr., Niles came to the podium and was sworn in. She recused herself as a Commissioner from this case and is speaking as a resident of Niles. She is commenting about the proposed sign that is supposed to go at the LoVerde Center on the east side of Caldwell just south of what is supposed to be the northbound exit from the center. She has tried often to exit Wood River Drive to go north on Caldwell almost to run into a vehicle about to exit the sports complex illegally turning left onto Caldwell and proceeding south. This happens often. Placing a sign here will only block the view looking south on Caldwell for those illegally turning vehicles and will increase the conditions for potential accidents. It's only a matter of time before an accident will occur. She also read a letter from her next door neighbor, Jeff Gordon, who couldn't be here tonight because of work. He is a Sergeant with the Lincolnwood Police Department. He lives at 6622 Wood River Drive. He is against the sign being erected at 7847 Caldwell Ave. Since this is a residential area, a digital sign does not fit. The LoVerde Center has residential property to the north, west and northwest of it. It sounds like the sign will be visible to residents of Wood River Drive. His daughter's bedroom window faces the south drive and he doesn't want that light coming into her room. A better fit for the sign would be at the Golf View property where it is all business in the area. As for traffic safety, a right turn only

exit was constructed for the LoVerde Center. Not many people follow that right turn only sign. He went on to tell of the difficulty getting out of Wood River Drive if people are illegally exiting the LoVerde Center. He has witnessed an accident there. A sign of any kind, especially a flashing LED sign, will impede traffic safety more than it has already. In closing, he wants to remind the Board this impacts a residential area. He knows Caldwell is a state route and the LoVerde Center is R-4. But there are residents trying to get in and out of the residential area safely. There is pedestrian traffic as well, even with no sidewalks. The area in front of Golf View has sidewalks and many entrances and exits. Plus there is a digital sign across the street at A-American Flooring. He can be reached by phone or email with additional questions.

Commissioner Schulter asked if it would make a difference if the sign was higher up. **As of now the sign would be a brick façade with the sign being...**

Mrs. Nakanishi said there would still need to be posts to hold up that sign. The best solution would be for the Park District to make it more difficult for people to make a left hand turn coming out of the complex. It would help if the sign was suspended by sky hooks.

Chairman Kanelos said there is nothing they can do about that. That same turning issue is at Dunkin Donuts on Milwaukee.

There is discussion among the Board and Mr. Shapiro as they look at the plan on the overhead projector. The sign is actually right next to where a car would be parked.

Commissioner DeBartolo said the lighting will go down to 30% at night.

Mr. Shapiro said the sign is for traffic going north and south on Caldwell. It won't be shining east or west. If the sign is an impediment for people making an illegal left hand turn, that is an enforcement issue, not a sign issue.

Chairman Kanelos said unfortunately this sign is going to be across the street from where people live. The other signs on Caldwell are across from businesses.

Mr. Shapiro said the area is a mix of businesses and residential. That's the type of street Caldwell is. There are other signs along Caldwell that aren't even as big or illuminating. The only reason they are before the Board tonight is to seek more than the allowed 25% of messaging on the sign.

Chairman Kanelos said it is totally appropriate for the Board to consider the lighting because it impacts the neighborhood.

Mr. Shapiro understands this.

Commissioner DeBartolo said everyone is aware there is a big construction project on Caldwell. There is a traffic problem. This doesn't help the situation right now.

Mrs. Nakanishi wants to bring up the safety issue again. If someone gets hurt or killed, that is on the Park District.

Joe Nakanishi, 6620 Wood River Dr., Niles came to the podium and was sworn in. He was speaking about the car being parked in the first spot. The sign will be blocked. He explained how cars turning left out of the Center are conflicting with cars turning southbound as well. He feels the Park District can look at another location for the sign.

Commissioner Dubiel does not understand the language of the special use. Nowhere in the petition is a request to be larger than 25%.

Mr. Ostman said the language indicates if it doesn't meet all 11 or 12 points for an electronic message center, a special use is required to identify what the applicant is looking for. And what they are looking to is exceed the 25%.

There was much discussion about the 25% to 75% of the electronic message center.

Chairman Kanelos said message signs are allowed if they don't exceed 25% of the sign area. Why isn't this a variation? That's a big spread from 25% to 75%.

Mr. Ostman said that is the way the wording was drafted by the consultant. It's a special use for the sign because it cannot meet all the requirements for the electronic message center.

Chairman Kanelos asked if then that gives relief from 'a' through 'k' in the sign ordinance.

Mr. Ostman said they meet the other requirements. He also wants to mention there is a requirement for the distance from residential. And they meet that requirement also.

Chairman Kanelos was informed the Board can approve the special use of items 'b' through 'k' as is; only citing a change on 'a' of the sign exceeding 25% of the ground sign.

Village Attorney Grcic said if the only relief being sought is from 'a', then the Board will have a special use with 'a' modified.

Commissioner Dubiel is pointing to the overhead about the overall size of the sign. This seems too vague as to the actual amount of signage Niles Park District is requesting.

ABSTAIN: 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.

DISCUSSIONS

There were none.

ADJOURNMENT

Chairman Kanelos made a motion to adjourn.

Commissioner Dubiel moved to adjourn.

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

AYES: 6 Dubiel, DeBartolo, Schuler, Nakanishi,
McConville, Kanelos

NAYS: 0

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

The meeting adjourned at 8:55 P.M.

Kathleen Janessa, Recording Secretary