

VILLAGE OF NILES

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



Final Approved Meeting Minutes

Monday, August 13, 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 7:04 P.M. All rose for the Pledge of Allegiance.

PRESENT: 7 Chairman Thomas Kanelos, Commissioners Ted Karabatsos, Susan DeBartolo, Robert Schulter, Barbara Nakanishi, Terrence McConville and Morgan Dubiel

Also present was Director of Community Development Charles Ostman, Senior Planner Bruce Sylvester and Attorney Larry Berg [sitting in for Village Attorney Danielle Grcic.]

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of July 9, 2018. There were no additions, clarifications or corrections to the June minutes.

Commissioner Dubiel moved to **approve** the minutes of July 9, 2018.

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

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

NAYS: 0

ABSTAIN: 1 Karabatsos

ABSENT: 1 McConville [late arrival after approval]
There being five (5) affirmative votes the motion carried.

NEW BUSINESS

18-ZP-15 Requesting approval of an 'Educational Facility - Vocational' special use permit per Village of Niles Zoning Ordinance Section 8.2 to allow a school of cosmetology at Golf Mill Mall at 307 Golf Mill Center.

Bruce Sylvester, Senior Planner, said the Rosel School of Cosmetology wishes to open their school of cosmetology at 307 Golf Mill Center. In the C-2 district, of which Golf Mill Mall is a part, any type of educational facility including a vocational educational facility [which is how this is classified] requires a special use permit. The applicants are in attendance. There is no new construction. It is simply opening a business within a tenant space in the mall. All the required notifications have been taken care of. This will go to the Village Board of Trustees for a final decision.

Chairman Kanelos asked if the Commissioners had any questions for Staff. There were none. There were no questions from the public. He called the petitioners to the podium.

Eunice Lee, 1336 Hillside Road, Northbrook, IL 60062 and Rosel Baek, 9821 Elms Terr., Des Plaines, IL 60016 came forward and were sworn in.

Ms. Lee said her mother [Rosel Baek] has been operating a cosmetology school in the city for 30 years. They train students to become licensed cosmetologists. It is an accredited school. They are relocating to Niles. Many students have moved to the suburbs and they have prospective students from the suburbs.

Chairman Kanelos asked if there were questions from the Commissioners. There were no questions from the public.

Commissioner Dubiel moved to approve item 18-ZP-15 requesting approval of an 'Educational Facility - Vocational' special use permit per Village of Niles Zoning Ordinance Section 8.2 to allow a school of cosmetology at Golf Mill Mall at 307 Golf Mill Center.

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

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

NAYS: 0

There being seven (7) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either 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-16 Requesting approval of a 'Massage Services Establishment' special use permit per Village of Niles Zoning Ordinance Section 8.2 to allow Avita Spa at 8028 Milwaukee Avenue to provide massage services at their existing spa business.

Mr. Sylvester said Avita Spa is an existing spa and salon business. It is north of Oak Mill Mall. The area is zoned C-3. In that zoning district you need a special use permit to provide a massage service. There is no new construction as it is an existing tenant space. They just want to add an additional service and not proposing any expansion. All required notifications were provided. Once again, this will go to the Village Board for a final decision should this Board approve the request.

Chairman Kanelos asked if this will require new licensing. The police department requested background checks be performed as part of the business license process.

Charles Ostman, Director of Community Development, said they are waiting for a response from the Illinois Department of Professional Regulation whether or not we can require background checks since the state regulates massage therapists. The Village has a right to regulate the establishment itself.

Chairman Kanelos said this sounds like the police want the owner to have a background check. He said if this passes perhaps they could make it a condition and part of the motion.

Mr. Ostman said it could be handled that way.

Chairman Kanelos asked if there were to be any modifications to the building to add this service. He can't read the dimensions on the overhead screen - too small. He wants to confirm it is under 1,000 sq. ft. otherwise it would impact the parking.

Mr. Sylvester said there is no expansion to the tenant space.

There were no more questions for Staff from the Commissioners.

Chairman Kanelos called the petitioners to come forward.

Vera Vlasev, 8028 N. Milwaukee Ave., Niles, IL and Diana Svishchova, 9633 Brandy Ct., Apt. 5, Des Plaines, IL came to the podium and were sworn in.

Ms. Vlasev said the space is 980 sq. ft. exactly. They had nothing else to add to what Mr. Sylvester said.

Commissioner Nakanishi said on page 2 of the permit application, there is a typo. Hours of operation should be corrected to show 10 a.m. to 7 p.m. It incorrectly states 10 a.m. to 7 a.m.

Ms. Vlasev said it is a small place and they will not be seeing three or four people at one time. Usually, one or two people. Parking is not a problem.

There were no more questions for the petitioners.

Chairman Kanelos made a motion.

Commissioner Dubiel moved to **approve** 18-ZP-16 for special use permit to provide massage services at their existing Avita Spa business at 8028 Milwaukee Avenue with the following conditions: background checks be performed as part of the business license process if allowed by the state of Illinois.

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

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

NAYS: 0

There being seven (7) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either 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-17 Requesting approval of a ‘Unique Use’ permit per Village of Niles Zoning Ordinance Section 15.11 to allow Lot 14 Auctions to locate and operate an auction house business at 6231-B Howard Street within Howard Commons.

Mr. Sylvester said Lot 14 Auctions was located in Oak Mill Mall until recently. It is an interesting business. The petitioner’s lease ended recently. He found this spot within Howard Commons. This is a different type of request because the zoning ordinance does not have a specific definition for an auction house. When Staff reviewed this it was decided to request this as a Unique Use, which is a provision created in the zoning ordinance specifically for this type of business situation. A particular kind of business is not defined or included in Niles’ ordinances. Included in tonight’s packet is the relevant section of the ordinance that explains what a unique use is and the approval standards as well. There are no notification requirements for this type of request. If this case is approved tonight, the Village Board will take up this case at the end of the month. There were no questions from the Commissioners for Staff.

Chairman Kanelos then called for the petitioner to come to the podium.

Ian Kasper, Lot 14 Auctions, 7900 N. Milwaukee Ave., Unit 2, Niles, IL, came forward. He is an attorney and did not require swearing in. He thanked Mr. Sylvester for all the help during this process. He opened his first auction in April, 2017. He has been operating in Niles for about eighteen months. When opened, there was a provision for an auction house as a permitted use. Now that tenancy is changing and he needed to find another space, he was surprised that auction houses are no longer a permitted use. He contacted the Village to find an appropriate space so he could petition for a ‘Unique Use’. He knows this is a recommending body to the Village Board. He has operated an auction house. He auctions consigned goods to the public, from the public in a public auction room. He’s tried to partner with schools, charities and non-profits. He’s worked with Maine South High School, Notre Dame College Prep, a church out of Des Plaines and some other groups. Every auction he does he tries to partner with a

fundraiser. He has worked with Niles' Pursue Your Dreams and the Niles Art Council. The City Manager and Mayor are current customers of his. He appreciates that also. The space he found will accommodate his use very well. It's 6,792 sq. ft. There are two entrance and exit doors. There are 254 parking spaces. He had a good deal from the prior owner of Oak Mill Mall. The mall has since been sold and the new management has sought a different direction for the mall. He had over 4,000 sq. ft. and it's worked out okay. But there was a single bathroom. The new facility has a men's room and a women's room - four stalls a piece. This location gives him room to grow; it's appropriate. Any police contact he's had is because an alarm went off or because of a theft. No issues with the fire department either. He's happy to answer any questions the Commissioners might have.

Commissioner Schulter asked if his business is personal and web based.

Mr. Kasper said it is primarily live. He puts his items on the internet. He uses a Facebook site called auctionsandestatesales.net. But it is a live auction. It is scheduled every Thursday at 5:00 p.m.; except in the next couple weeks when he has to move into the new space.

Chairman Kanelos asked the Commissioners to review again the requirements for a "Unique Use" which are on page 2 of the packet. There were no questions from the public. He then entertained a motion.

Commissioner Dubiel moved to **approve** the request for a "Unique Use" for Lot 14 Auctions to open an auction house business at 6231-B Howard Street within Howard Commons. This is case 18-ZP-17. After careful review of the packet and the testimony of the petitioner and Staff, the Commissioners find items 1 through 5 of Section 15.11 (E) of the Niles Zoning Code have been met. These are:

1. The unique use in the specific location proposed is consistent with the spirit and intent of this Ordinance, the adopted Comprehensive Plan and other adopted Village land use policies.
2. The proposed unique use will not endanger the public health, safety or welfare.
3. The proposed unique use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
4. The applicant for a unique use has proof of special and extraordinary need for the unique use, including proof of unique characteristics of the subject property, proposed use, and surrounding neighborhood.
5. The applicant for a unique use has proof that the unique use will be an affirmative benefit to the surrounding properties and neighborhood from a land use and economic standpoint.

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

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

NAYS: 0

There being seven (7) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either 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 Nakanishi moved to adjourn.

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

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

NAYS: 0

There being seven (7) affirmative votes the motion carried.

The meeting adjourned at 7:27 P.M.

Kathleen Janessa, Recording Secretary