

## **ORDINANCE 2011-51**

### **APPROVING A SPECIAL USE TO APPENDIX B, SECTION VIII (B)(3)(nn) FOR A MEDICAL CLINIC LOCATED AT 7177 N. MILWAUKEE AVE., NILES, ILLINOIS**

**WHEREAS**, the question of granting a special use to 7177 N. Milwaukee Ave., included in this ordinance was referred to the Plan Commission and Zoning Board of Appeals to hold a public hearing;

**WHEREAS**, a public hearing was held on September 12, 2011, after proper notice in a manner provided by law;

**WHEREAS**, the Plan Commission and Zoning Board of Appeals has made an report, containing findings of fact and recommending the granting of the special use for a medical clinic located at 7177 N. Milwaukee Ave., Niles, IL 60714; and

**WHEREAS**, the corporate authorities of the Village of Niles, Cook County, Illinois have duly considered said Plan Commission Recommendation.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and Board of Trustees of the Village of Niles, Cook County, Illinois, as a Home Rule Municipality, as follows:

**SECTION 1:** The materials and exhibits attached to this ordinance are incorporated by reference and made a part of this ordinance.

**SECTION 2:** A Special Use to Appendix B, Section VIII (B)(3)(nn) for a medical clinic located at 7177 N. Milwaukee Ave., Niles, IL 60714 with the following condition that the Director of Community Development will check into whether or not a medical Certificate

of Need is necessary and that the special use shall only apply to this shopping center as long as the special use is still active for Midwest Vein Clinic, is approved.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED:** This 27<sup>th</sup> day of September, 2011  
**AYES:** 6 Hanusiak, Hynes, LoVerde, Palicki, Preston, Przybylo  
**NAYS:** 0  
**ABSENT:** 0

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Village Clerk

**APPROVED** by me this 27<sup>th</sup> day of September, 2011.

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President of the Village of Niles  
Cook County, Illinois

**ATTESTED AND FILED** in my office this 27<sup>th</sup> day of September, 2011, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

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Village Clerk

**FINDINGS OF FACT AND RECOMMENDING  
DECISION OF THE ZONING BOARD OF APPEALS  
VILLAGE OF NILES, ILLINOIS  
September 12, 2011**

**11-ZP-15      Paul Serota, Practice Manager  
Midwest Vein Center  
2001 Butterfield Rd., Suite #100  
Downers Grove, IL 60515**

**Requesting approval of a Special Use to Appendix B Section VIII (B)(3)(nn) for a medical clinic and to Appendix B Section X (B)(10)(y) for a parking variation of a total of 13 spaces or 15% at 7177 N. Milwaukee Ave., Niles, IL 60714.**

Mr. Ostman said this is zoning case 11-ZP-15. Legal notice was published on August 25, 2011. The proposed Midwest Vein Center is to be located in Fountain Plaza which was constructed in 2009/2010. This will be the second tenant. It will occupy two (2) of the five (5) tenant spaces. The recently approved Starbucks occupies one (1) of the five (5) spaces. Midwest Vein Center has taken 3,240 sq. ft. and will have five (5) offices and examining rooms which will require thirteen (13) parking spaces per Zoning Code. Starbucks is leasing 1,600 sq. ft with twenty-four (24) seats which requires fifteen (15) parking spaces. The remaining two (2) tenant spaces totaling 3,162 sq. ft. would require thirteen (13) spaces. The Midwest Vein Center requires a Special Use in a 15% parking variation. The variation granted previously for Starbucks was at 23%. That was done in error. It was calculated incorrectly. Tonight we are looking for a 15% parking variation instead of 23% for that lot. The ordinance, if approved, will reflect a corrected 15% parking variation for the subject property. In researching the actual business operation and meeting with the representative with the Midwest Vein Clinic their actual need is only six (6) to seven (7) parking spaces at the top. Most likely it is less than that. They are well under what the Zoning Code requires for that type of use. The Village is pleased the Midwest Vein Clinic applied for a Special Use for this space and wants to come into Niles. The demand on parking is much less than what the Zoning Code requires. Staff has visited another Midwest Vein Center located in Glenview on several occasions and found the need for only six (6) to seven (7) spaces to be accurate. Staff feels there would be no parking issues should the Special Use and parking variation be approved.

Chairman Kanelos asked if there were any questions for Mr. Ostman.

In response to a question from Vice-Chairman Dimond Mr. Ostman stated that he did not have the correct calculation of what the variation for Starbucks should have been, but that the current variation of 15% being requested for this variation is accurate.

Chairman Kanelos asked if there were any more questions for Mr. Ostman. There were none. There were no questions from the public. At this time he called the petitioner to the podium.

Paul Serota, Practice Manager, Midwest Vein Center, 2001 Butterfield Rd., Suite #100, Downers Grove, IL 60515 stepped up and was sworn in. He added they are a highly specialized clinic treating varicose veins. There are four different procedures: an initial office visit, a follow-up visit, and two (2) types of techniques – laser and sclerotherapy. Because they only offer these four procedures they are very precise in how the patients are scheduled. There are three (3) full time employees: a physician and two (2) medical assistants from 8:00 a.m. or 9:00 a.m. until 5:00 p.m. There is no additional office staff. All the administrative work is done at the Downers Grove location. If you call for an appointment you are actually calling Downers Grove where they have centralized phones, centralized billing, centralized insurance capabilities. All the administrative work is operated out of the office complex. This new location will be their fourth office so they found it more efficient to concentrate the administration in one (1) location. And they attract physicians with interest in a 9 to 5 job with no emergency calls and no weekend hours. It is pretty attractive. As one (1) patient is being treated, another arrives and is shown to an examining room; the first patient is finished and the doctor moves over to the next exam room. That is how the day goes – anywhere from five (5) to ten (10) patients a day. Looking at a staff of three (3) with three (3) cars for them, at most there would be two (2) patients, maybe three (3) if someone comes early. It is not a typical practice. If you walked into the waiting room you would probably see there is no one waiting. They pride themselves on the fact if you have a 10:00 appointment, you will see a doctor at 10:00. Your appointment is over at 11:00 and you are on your way back to work.

In response to a question from Commissioner Surace, Mr. Serota said they have never had the need to call an ambulance.

In response to a question from Commissioner Schuller Mr. Serota said there will be no x-ray machinery. The procedure is guided by ultra sound equipment.

Chairman Kanelos requested the packet given the Board for this case be entered into the record as Exhibit A. He then asked if there were questions from the Commissioners.

In response to a question from Vice Chairman Dimond regarding whether a Certificate of Need was required from the state, Mr. Ostman answered again that his department is up to date on what is required for compliance with the state and will ensure all requirements are met prior to issuance of business license.

Chairman Kanelos asked if there were any other questions from the Commissioners. There were none. There were no members of the public in attendance. At this time he entertained a motion.

## **POSITION OF VILLAGE**

The Community Development Department has no objection to this request. None of the remaining village departments has any objection to the granting of this request

## **FINDINGS**

- 1. Establishment, Maintenance, or Operation, of the Special Use and Variance will not be detrimental to or endanger the public health, safety or general welfare.**

There is no evidence that the establishment, maintenance or operation of the Special Use and Variance will be detrimental to or endanger the public health, safety or general welfare.

- 2. Establishment, Maintenance, or Operation of the Special Use and Variance will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the neighborhood.**

There is no evidence that the maintenance or operation of the Special Use and Variance will be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor will it diminish and impair property values within the neighborhood.

- 3. Establishment, Maintenance, or Operation of the Special Use and Variance will not impede the normal and orderly development and improvement of surrounding property for permitted use.**

There is no evidence that the maintenance or operation of the Special Use and Variance will impede the normal and orderly development and improvement of surrounding property for permitted use.

- 4. Conformance to Regulations.**

The establishment, maintenance or operation of the Special Use and variance, shall in all other respects conform to all Village of Niles Ordinances, unless otherwise authorized by the Village of Niles Zoning Board of Appeals.

Commissioner Nakanishi moved that petition **11-ZP-15 – submitted by J. Gordon Wright, M.D., owner of Midwest Vein Center, represented by Paul Serota, 2001 Butterfield Rd., Suite #100, Downers Grove, IL 60515 – requesting approval of a Special Use to Appendix B Section VIII (B)(3)(nn) for a medical clinic and to Appendix B Section X (B)(10)(y) for a parking variation of a total of 13 spaces or 15% at 7177 N. Milwaukee Ave., Niles, IL 60714 be approved.**

This Special Use is necessary for the public convenience; that the public health, safety and welfare will be in no way jeopardized and that the Special Use will not cause any substantial injury to the value of the other property in the neighborhood in which it is located. This Special Use is to be granted subject to condition that Mr. Ostman will check into whether or not a medical Certificate of Need is necessary.

Chairman Kanelos also added the Community Development department's recommendation that the parking variation shall only apply to this shopping center as long as the Special Use is still active for the Midwest Vein Center for which it was granted. He asked Commissioner Nakanishi if she would accept that. She stated she accepted the clarification.

Seconded by Vice-Chairman Dimond, on roll call the vote was:

AYES: 6 Dimond, Surace, Troiani, Nakanishi, Schuler, Kanelos

NAYS: 0

ABSENT: 1 Dubiel

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

#### **RECOMMENDATION:**

Based upon the foregoing, the Zoning Board of Appeals recommends that **11-ZP-15 – submitted by J. Gordon Wright, M.D., owner of Midwest Vein Center, represented by Paul Serota, 2001 Butterfield Rd., Suite #100, Downers Grove, IL 60515 – requesting approval of a Special Use to Appendix B Section VIII (B)(3)(nn) for a medical clinic and to Appendix B Section X (B)(10)(y) for a parking variation of a total of 13 spaces or 15% at 7177 N. Milwaukee Ave., Niles, IL 60714 be approved.**

Respectfully Submitted,

ZONING BOARD OF APPEALS

Thomas N. Kanelos, Chairman

