

ORDINANCE 2011-54

APPROVING A SPECIAL USE TO APPENDIX B, SECTION IX (B)(2)(i) FOR AN AUTOMOBILE SALES FACILITY LOCATED AT 5677 WEST HOWARD, NILES, ILLINOIS

WHEREAS, the question of granting a special use to 5677 West Howard, 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 October 3, 2011, after proper notice in a manner provided by law;

WHEREAS, the Plan Commission and Zoning Board of Appeals has made a report, containing findings of fact and recommending the granting of the special use for an automobile sales facility located at 5677 West Howard, 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 IX (B)(2)(i) for an automobile sales facility located at 5677 West Howard, Niles, IL 60714 with the following condition: there will be no outside storage of vehicles permitted, 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 25th day of October, 2011
AYES: 6 Hanusiak, Hynes, LoVerde, Palicki, Preston, Przybylo
NAYS: 0
ABSENT: 0

Village Clerk

APPROVED by me this 25th day of October, 2011.

President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 25th day of October, 2011, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

Village Clerk

**FINDINGS OF FACT AND RECOMMENDING
DECISION OF THE ZONING BOARD OF APPEALS
VILLAGE OF NILES, ILLINOIS
October 3, 2011**

**11-ZP-17 Demetri Partalis – President/CEO
6720 N. Kenton Ave.
Lincolnwood, IL 60712**

**Requesting a Special Use to Section IX (B)(2)(i) for an Automobile Sales facility located
at 5677 W. Howard Street, Niles, Illinois.**

Mr. Wlodarski stated this is case 11-ZP-17. Subject property is 5677 W. Howard St. Legal notice for this case was published on September 15, 2011 in The Bugle Newspaper. Letters were mailed out to all properties located within 250 ft. of the subject property. This space was previously occupied by Allstate Insurance Claims Center from October 2005 until closing in February 2011. The space has been vacant since that time. Per zoning code, auto sales are listed as a Special Use to allow staff to analyze if there would be any negative impact from this type of business in this location. With all sales via the internet and by appointment only, and all the vehicles being stored inside, staff has no concerns with this Special Use being approved in this location. The Community Development Department recommends approval for this Special Use with the following condition: no outside storage of vehicles shall be permitted. This Board is a recommending Board to the Board of Trustees.

Chairman Kanelos requested the packet the Board was given be entered as Exhibit A for 11-ZP-17.

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

In response to a question from Commissioner Dubiel, Mr. Wlodarski answered that there would be no outside storage of vehicles for sale.

In response to a question from Chairman Kanelos, Mr. Wlodarski answered that there would be no service work done on vehicles at this location. The site would be for sales only.

Chairman Kanelos asked if there were any more questions from the Commissioners or the public. There were none. He then asked the petitioner to step to the microphone.

Demetri Partalis – President/CEO, 6720 N. Kenton Ave., Lincolnwood, IL, 60712 stepped forward and was sworn in. He had nothing to add to what Mr. Wlodarski presented.

Chairman Kanelos asked if there were any questions from the Commissioners.

In response to questions from Chairman Kanelos and Commissioner Troiani, Mr. Ostman

stated that the existing parking complies with the for this use.

In response to a question from Vice Chairman Dimond, Mr. Partalis stated there was space to accommodate approximately 20 cars in the facility.

In response to a question from Commissioner Dubiel, Mr. Partalis stated he understood this special use is limited to sales and everything will be stored inside, with no advertisement outside.

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 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 will be detrimental to or endanger the public health, safety or general welfare.

- 2. Establishment, Maintenance, or Operation of the Special Use 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 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 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 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, 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 **11-ZP-17 submitted by Demetri Partalis, President/CEO, 6720 N. Kenton Ave., Lincolnwood, IL 60712 - requesting a Special Use to Section IX (B)(2)(i) for an Automobile Sales facility located at 5677 W. Howard Street, Niles, Illinois be approved.** That the Special Use is necessary for the public convenience; that the public health, safety and welfare of the public will in no way be jeopardized and that the Special Use will not cause any substantial injury to the value of other property in the neighborhood in which it is located. This is subject to the condition there will be no outside storage of vehicles permitted.

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

AYES: 7 Dimond, Surace, Troiani, Nakanishi, Schulter, Dubiel, Kanelos

NAYS: 0

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

RECOMMENDATION:

Based upon the foregoing, the Zoning Board of Appeals recommends that **11-ZP-17 submitted by Demetri Partalis, President/CEO, 6720 N. Kenton Ave., Lincolnwood, IL 60712 – requesting a Special Use to Section IX (B)(2)(i) for an Automobile Sales facility located at 5677 W. Howard Street, Niles, Illinois be approved.**

Respectfully Submitted,

ZONING BOARD OF APPEALS

Thomas N. Kanelos, Chairman