

ORDINANCE 2021-42

**ORDINANCE APPROVING A SPECIAL USE PERMIT AS REQUIRED IN
APPENDIX B, SECTION 8.2(A) TO ALLOW A 'RECEPTION FACILITY'
AND A VARIATION FROM APPENDIX B, SECTION 5.2(A)(3) REQUIRING
RETAIL USES IN GROUND FLOOR SPACES FOR PROPERTY LOCATED
AT 7013 N. MILWAUKEE AVENUE, NILES, ILLINOIS**

Dated: This 27th day of July, 2021.

**Published in Pamphlet Form by Authority
of the
President and Board of Trustees
Village of Niles**

ORDINANCE 2021-42

ORDINANCE APPROVING A SPECIAL USE PERMIT AS REQUIRED IN APPENDIX B, SECTION 8.2(A) TO ALLOW A 'RECEPTION FACILITY' AND A VARIATION FROM APPENDIX B, SECTION 5.2(A)(3) REQUIRING RETAIL USES IN GROUND FLOOR SPACES FOR PROPERTY LOCATED AT 7013 N. MILWAUKEE AVENUE, NILES, ILLINOIS

WHEREAS, the question of granting a special use permit and variation to 7013 N. Milwaukee Avenue, included in this ordinance, was referred to the Planning and Zoning Board for a public hearing; and

WHEREAS, a public hearing was held on July 12, 2021, after proper notice in a manner provided by law; and

WHEREAS, the Planning and Zoning Board has made a report, containing findings of fact and recommending the special use permit to allow a Reception Facility and a variation requiring retail uses in ground floor spaces within 250' of signalized intersections for the aforementioned 'Reception Facility' located at 7013 N. Milwaukee Avenue, Niles, IL 60714; and

WHEREAS, the corporate authorities of the Village of Niles, Cook County, Illinois have duly considered said Planning and Zoning Board 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 permit as allowed in Appendix B, Section 8.2(A) to allow a 'Reception Facility' for property located at 7013 N. Milwaukee Avenue, Niles, IL 60714, is approved.

SECTION 3: A variation from Appendix B, Section 5.2(A)(3) requiring retail uses in ground floor spaces within 250' of signalized intersections for the aforementioned 'Reception Facility' for property located at 7013 N. Milwaukee Avenue, Niles, IL 60714, is approved.

SECTION 4: 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 27th day of July, 2021
AYES: 4 Jekot, LoVerde, Niedermaier, Strzelecki
NAYS: 0
ABSENT: 2 Matyas, McCreery
ABSTAIN: 0

APPROVED by me this 27th day of July, 2021.

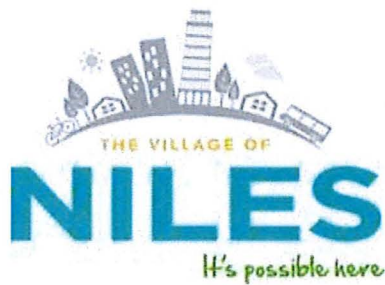


President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 27th day of July, 2021, and published in pamphlet form as provided by law in the Village of Niles, Illinois.



Village Clerk



AGENDA ITEM NUMBERS:	<u>2</u>
HEARING DATE:	<u>JULY 12, 2021</u>
CASE NUMBER:	<u>21-ZP-24 & 25</u>
PROJECT NAME:	<u>7013 MILWAUKEE AVE</u>
APPLICATION TYPE:	<u>SPECIAL USE & VARIATION</u>

Planning and Zoning Board

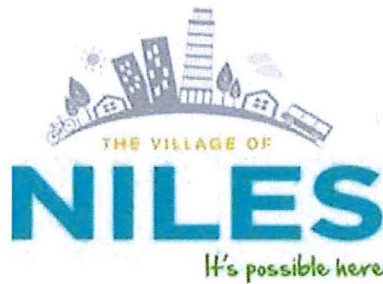
Agenda Item #2

July 12, 2021

- 1) A request for a Special Use Permit to allow a 'Reception Facility' at 7013 Milwaukee Ave, Niles, Illinois 60714 as required by Section 8.2(A) of the Zoning Ordinance.
- 2) A request for a Variation from Section 5.2(A)(3) of the Niles Zoning Ordinance requiring retail uses in ground floor spaces within 250' of signalized intersections for the aforementioned 'Reception Facility' at 7013 Milwaukee Ave, Niles, IL 60714.

Attachment Number	Description	Provided	Date
1	Staff Report to the Planning and Zoning Board	✓	
2	Location Map	✓	
3	Special Use Application	✓	
4	Applicant's Responses to the Requirements for Receiving a Special Use Permit	✓	
5	Project Description	✓	
6	Golf Mill Tenant Space Map	✓	
7	Floor Plans/Build Out	✓	

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CASE NUMBER:	<u>21-ZP-24 & 25</u>
PROJECT NAME:	<u>7013 MILWAUKEE AVE</u>
APPLICATION TYPE:	<u>SPECIAL USE & VARIATION</u>



Planning and Zoning Board

Agenda Item #2

July 12, 2021

Item for Plan Commission Consideration:

- 1) A request for a Special Use Permit to allow a 'Reception Facility' at 7013 Milwaukee Ave, Niles, Illinois 60714 as required by Section 8.2(A) of the Zoning Ordinance.
- 2) A request for a Variation from Section 5.2(A)(3) of the Niles Zoning Ordinance requiring retail uses in ground floor spaces within 250' of signalized intersections for the aforementioned 'Reception Facility' at 7013 Milwaukee Ave, Niles, IL 60714.

PROJECT SUMMARY

Michelle Ficco is proposing to open and operate an event space doing business as The Liven Room at 7013 Milwaukee Avenue, located in the Harts Plaza shopping center. The space will be used as "a small event venue for meeting/workshops, celebratory events, or creative projects." The applicant expects the space will host "smaller groups of forty people or less." Clients will be able to self-cater their events or have professional catering from nearby restaurants, and Ms. Ficco is working with the Assistant Liquor Commissioner to secure the proper licensing to allow BYOB. Events will be held between the hours of 10:00 AM and 10:00 PM, with no events ending later than 10:00 PM. Ms. Ficco will be the sole employee of The Liven Room.

ANALYSIS

Surrounding Land Uses:

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	C-3, Milwaukee Ave Form-Based District	Commercial	General/Neighborhood Commercial
South	C-3, Milwaukee Ave Form-Based District	Commercial	General/Neighborhood Commercial
East	R-2-35B, Single-Family Residential District	Residential	Detached Single Family
West	C-3, Milwaukee Ave Form-Based District/ P-I Public/Institutional Lands District	St. Adalbert Cemetery	Religious/Cemetery

ZONING AND COMPREHENSIVE PLAN

The subject property is zoned C-3 'Milwaukee Avenue Form-Based District'. Per Section 8.2 of the Zoning Ordinance, 'Reception Facilities' require a Special Use Permit to operate in the C-2 District. The zoning code defines 'Reception Facility' as "A facility that provides hosting and rental services of a banquet hall or similar for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of

operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation."

'Reception Facility' falls under the "service" category in Table 8-1: Use Matrix. Per Section 5.2(3), "Within the C-2, C-3, and C-4 Districts, ground floor uses at corners at intersections with traffic signals are limited to those listed under the "Retail" category in Table 8-1: Use Matrix. This limitation extends for 250 feet along the lot lines along each intersecting street and applies to any ground floor space where 50% or more of the space's frontage is located within this 250 foot measurement." As such, the applicant is seeking a Variation from this Section of the Zoning Ordinance.

The 2030 Comprehensive Plan recommends that the Village "develop a strategy to attract complementary businesses such as restaurants and entertainment uses. These uses help to create vibrant commercial areas where shoppers visit more often and stay longer."

Parking

Per Section 10.4 'Reception Facilities' require 10 parking spaces per 1,000 sf of gross floor area. The subject property is 1,176 square feet, requiring 12 spaces. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use. The Harts Plaza shopping center has 102 existing spaces, and its existing tenants only require 45 spaces. This being so, there is currently ample parking.

Unit	Tenant	SF	Use Type	Ratio	Required Parking
7007	Sherwin Williams	2,713	Retail	3/1000 sf gfa	8
7013	Proposed Reception Facility	1,176	Reception Facility	10/1000 sf gfa	12
7021	Vacant	1,377	-	-	0
7029	LevelUp Health & Fitness	1,800	Personal Service	4/1000 sf gfa	7
7033	El Spa	1,100	Massage Establishment	3/1000 sf gfa	3
7037	Vacant	-	-	-	0
7041	Flame On Peri Peri Grill	1,537	Restaurant	10/1000 sf gfa	15
Total Required					45

Requirements for a "Special Use" Permit

As required by Section 15.3(E) of the Village's Zoning Ordinance, the Petitioner is required to demonstrate that they meet the following Special Use criteria. The Planning and Zoning Board is encouraged to consider these standards as it discusses this request:

- *Is the special use in the specific location proposed consistent with the spirit and intent of the zoning ordinance, the adopted Comprehensive Plan, and other adopted Village land use policies?*
- *Will the proposed special use endanger the public health, safety, and welfare?*
- *Is the proposed special use compatible with the general land use of adjacent properties and other property within the immediate vicinity?*
- *Is the proposed special use deemed necessary for the public convenience at the proposed location?*

Requirements for Variations and Findings of Fact

Zoning Ordinance Appendix B, Section 15.4(D) provides the procedures for considering requested variations from the Village's zoning ordinance. Subsection (E) provides standards that must be satisfied in order to grant a variation, as follows:

- *The strict application of the terms of this Ordinance will result in undue hardship, as distinguished from a mere inconvenience, unless the specific relief requested is granted;*
- *The variation, if granted, will not alter the essential character of the locality;*
- *The plight of the owner is due to unique circumstances inherent to the subject property, related to the particular physical surroundings, shape, or topographical conditions of the specific property, and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.*

The Petitioner has provided a response to the aforementioned requirements, which have been included in the packet.

Critical Issues

Comments from Village Departments:

Police:	No concerns
Fire:	No concerns
Engineer:	No concerns
Community Development:	No concerns

Legal Notification:

A legal notice was published in the Bugle on June 24, 2021 and notices to all owners of property within 250 feet were mailed on June 23, 2021. An on-site sign was placed on the property on June 25, 2021.

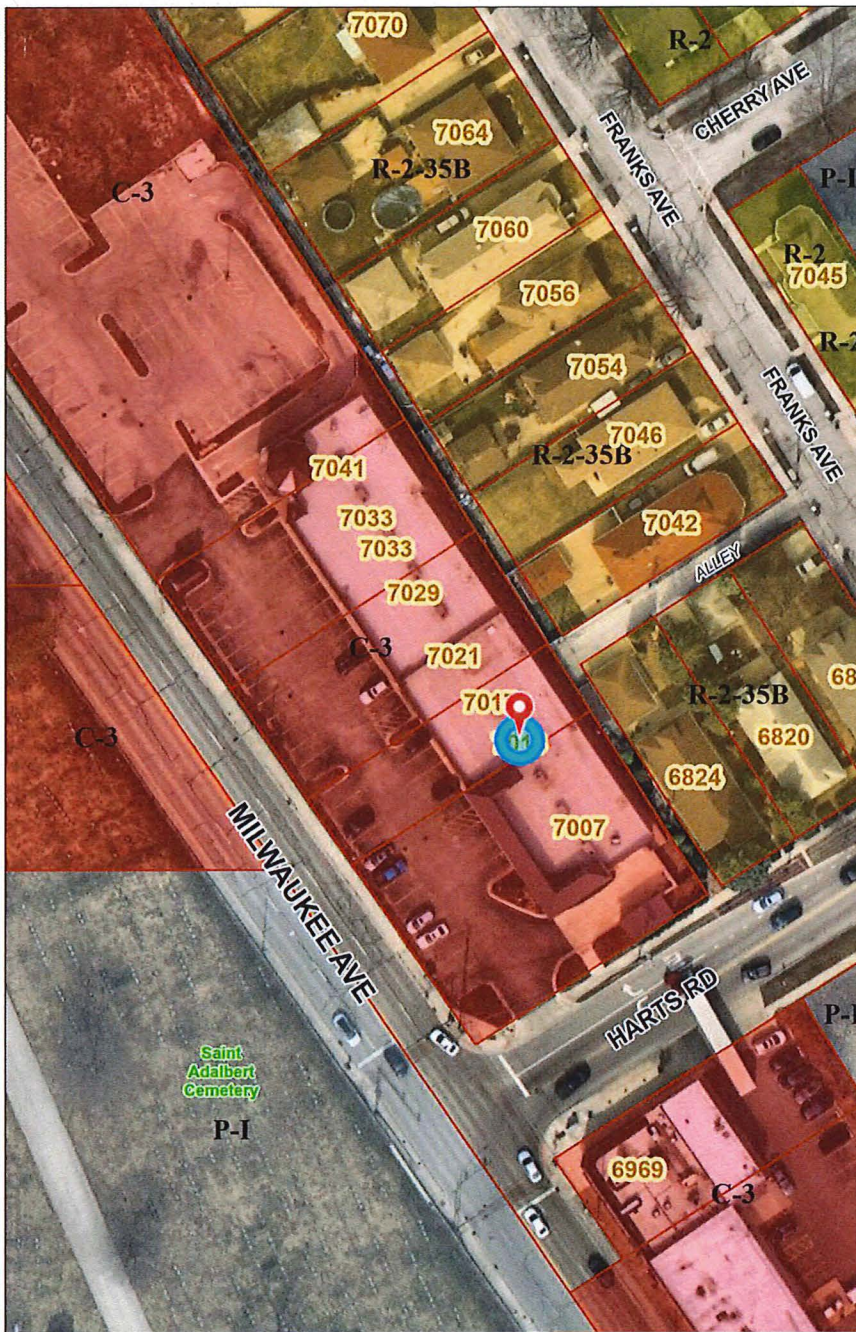
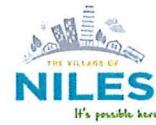
Other Actions:

The Planning and Zoning Board will make a recommendation on the requested special use permit and variations, and these recommendations are tentatively scheduled to be considered by the Village Board for a final decision on Tuesday, July 27, 2021.

Principal Parties Expected at Meeting:

1. Ms. Michelle Ficco, applicant and;
2. Owners of properties who received notification.

7013 Milwaukee



The Village of Niles has developed a geographic information system (GIS) database from existing public records that The Village of Niles is required to maintain in order to carry out the normal functions of The Village of Niles. The Village of Niles makes no claim as to the reliability of the original data collection process and is not responsible for inaccuracies that could have occurred due to errors in the original data input or subsequent transfer of the data from system to system or from system to user. The Village of Niles customer is responsible for the data for planning purposes and record keeping, and The Village of Niles is not responsible for the use of this information. The data are only designed to be displayed with GIS maps whose representation scale is no smaller than 1:1200. If it comes to the Village's attention that this information is being used for commercial purposes, we will reserve the right to withhold this information from the user. The Village of Niles has accumulated this data in support of its governmental function. This information is provided as required under the Freedom of Information Act and the Village, its officers and employees accept their full legal rights under governmental immunity for any liability arising from any act of omission or commission with respect to the information furnished. The Village makes no claim as to the accuracy of the base maps and their associated data tables and assumes no responsibility for their positional or content accuracy. In providing data for access to the Village assumes no obligation to assist the contractor in the use of the data or the development, use or maintenance of any applications applied to the data. The Village assumes no responsibility for the accuracy of any subsequent copies of the licensed data made and distributed without written license from the Village. THIS MAP IS NOT TO BE USED FOR CONSTRUCTION.

- Legend**
- Village Limits
 - Parcels
 - Parcels - Outside Niles
 - Zoning Overlay (PUDs)
 - Zoning Overlay (Cannabis District)
 - Zoning - General**
 - C-1 Corridor Commercial
 - C-2 General Commercial
 - C-3 Milwaukee Avenue Form-Based
 - C-4 Milwaukee Ave Mixed-Use
 - C-5 Urban Village
 - ENT-MU Entertainment / Mixed-Use
 - M Limited Industrial
 - OR Office / Research
 - P-1 Public / Institutional Lands
 - R-1 Single Family Residential
 - R-2 Single Family Residential
 - R-2-35A Single Family Residential
 - R-2-35B Single Family Residential
 - R-3 Two-Family / Townhome Residential
 - R-4 Multi-Family Residential
 - No Zoning Established
 - Image**
 - Red: Red
 - Green: Green
 - Blue: Blue

Notes



1	:	838.3877
1	=	69.6656
inch		feet



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