

**ORDINANCE 2024-43**

**ORDINANCE APPROVING A SPECIAL USE PERMIT AS REQUIRED BY  
THE VILLAGE CODE OF ORDINANCES TO ALLOW A  
'VEHICLE REPAIR - MAJOR' AT 8851 N. MILWAUKEE AVENUE**

**Dated: This 23<sup>rd</sup> day of July, 2024**

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

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### **ORDINANCE APPROVING A SPECIAL USE PERMIT AS REQUIRED BY THE VILLAGE CODE OF ORDINANCES TO ALLOW A 'VEHICLE REPAIR-MAJOR' AT 8851 N. MILWAUKEE AVENUE**

**WHEREAS**, the Village President and Board of Trustees (hereinafter collectively referred to as the "Village Board") of the Village of Niles, Cook County, Illinois (hereinafter the "Village"), find that the Village is a Home Rule Municipal Corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and pursuant to said Constitutional Authority, may exercise and perform any function pertaining to its governmental affairs; and

**WHEREAS**, the question of granting a special use permit to allow for 'Vehicle Repair – Major' at 8851 N. Milwaukee Avenue, was referred to the Planning and Zoning Board for a Public Hearing; and

**WHEREAS**, a Public Hearing was held on July 1, 2024, after proper notice in a manner provided by law; and

**WHEREAS**, the applicant request is to operate a vehicle maintenance and repair shop, focusing on wheel alignment, transmission repair, clutch and drive replacement, steering and brake system repairs, car retrofitting and soundproofing, car fault diagnosis and repair; and

**WHEREAS**, the Planning and Zoning Board has made a report, containing findings of fact and recommending the granting of the special use permit to allow 'Vehicle Repair – Major' at 8851 N. Milwaukee Avenue, with the following conditions: 1) the parking lot must be milled, paved, and re-stripped prior to the business opening, 2) landscaping must be installed between the building and Milwaukee Avenue and 3) the Business will be conducted in accordance with the standards that apply to vehicle repair stated in Section 8.3(W) of the Niles Zoning Ordinance; and

**WHEREAS**, the Corporate Authorities of the Village of Niles, Cook County, Illinois have duly considered said Planning and Zoning Board recommendation and consider it in the best interest of the Village to grant said request.

**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:** Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

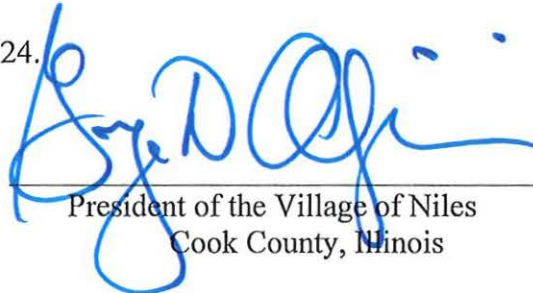
**SECTION 2:** The materials and exhibits attached to this Ordinance are incorporated by reference and made a part of this Ordinance.

**SECTION 3:** A special use permit as required in Appendix B, Section 8.2(A) to allow a ‘Vehicle Repair – Major’ at 8851 N. Milwaukee Avenue, (24-ZP-20) is approved with the following conditions; 1) the parking lot must be milled, paved, and re-stripped prior to the business opening, 2) landscaping must be installed between the building and Milwaukee Avenue and 3) the business will be conducted in accordance with the standards that apply to vehicle repair stated in Section 8.3(W) of the Niles Zoning Ordinance.

**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 23<sup>rd</sup> day of July 2024  
**YEAS:** 6 Dubiel, Jekot, Matyas, Niedermaier, Strzelecki, Warda  
**NAYS:** 0  
**ABSENT:** 0  
**ABSTAIN:** 0

**APPROVED** by me this 23<sup>rd</sup> day of July 2024.

  
\_\_\_\_\_  
President of the Village of Niles  
Cook County, Illinois

**ATTESTED AND FILED** in my office this 23<sup>rd</sup> day of July, 2024, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

  
\_\_\_\_\_  
Village Clerk

|                      |                  |
|----------------------|------------------|
| AGENDA ITEM NUMBERS: | 3                |
| HEARING DATE:        | JULY 1, 2024     |
| CASE NUMBER:         | 24-ZP-20         |
| PROJECT NAME:        | 8851 N MILWAUKEE |
| APPLICATION TYPE:    | SPECIAL USE      |

Planning and Zoning Board  
Agenda Item #3  
July 1, 2024



**Item for Planning and Zoning Board Consideration:**

A request for approval of a Special Use as required by Village of Niles Zoning Ordinance Appendix B Section 8.2(A) to allow for a 'Vehicle Repair – Major' at 8851 N Milwaukee Ave, Niles, IL 60714.

**Project Summary**

Rustam Zarylbek is seeking a Special Use to locate a 'Vehicle Repair – Major' at 8851 N Milwaukee Ave, doing business as NUR Auto. The existing building at 8851-8853 N Milwaukee is approximately ~5,250 sf. It is constructed with masonry exterior walls and steel roof framing supporting a wood deck roof. The building is divided into two tenant spaces – 8851 N Milwaukee, which has six overhead doors as well as office space and additional storage, and 8853 N Milwaukee, which is comprised of one small office. The property is owned by the owners of the Assi Plaza/Binny's building at 8901 N Milwaukee Ave. Access to the building is via the southern drive aisle on the 8901 N Milwaukee property, which can be accessed via Milwaukee Ave or Washington St. There is a fenced-in parking area to the rear of the building, and a ~12,000 sf parking area in front of the building. The existing parking lot needs repair, and all striping has been worn away. The building currently has one tenant, Budget Truck Rental, operating out of a small 350 sf office in the 8853 N Milwaukee tenant space. They are required by the terms of their Special Use Permit to park all trucks to the east side of the building or in the rear. The 8851 portion of the building has been vacant since about 2016. It was last used as a hand car wash.

NUR Auto is proposing to locate in the remainder of the building, which is approximately 4,900 sf. The business will offer the following services: wheel alignment, transmission repair, clutch and drive replacement, steering and brake system repairs, car retrofitting and soundproofing, car fault diagnosis and repair, and full maintenance of all components of a vehicle. They also are exploring the possibility of installing a spray booth with a built-in extinguishing system to offer painting services sometime down the line. They expect to service 15 to 20 cars a day. There will be 4 to 6 full time employees, as well as the director of the company. Hours of operation will be 9:00 AM – 6:00 PM, Monday-Friday, 9:00 AM – 2:00 PM on Saturdays, and the business will be closed on Sundays.

The applicant has provided renderings of what the business may look like after they move in. However, after communicating with the applicant, contrary to what the renderings show, the existing doors and fence will not be replaced, but they are planning to paint them. The applicant has also provided a parking plan which shows the installation of landscaping between the Milwaukee Ave sidewalk/PACE station and the building. The landlord has communicated that they are waiting on zoning approval before signing a lease with Mr. Zarylbek, but he has put

down a security deposit on the property. The landlord has also indicated they would be willing to mill and repave the parking lot should Mr. Zarylbek receive zoning approval.

**Analysis**

**Surrounding Land Uses:**

| Direction | Existing Zoning                   | Existing Use       | Comprehensive Plan |
|-----------|-----------------------------------|--------------------|--------------------|
| North     | C-2 – General Commercial District | Assi Plaza/Binny’s | General Commercial |
| South     | C-4 - Milwaukee Ave Mixed Use     | Commercial         | General Commercial |
| East      | C-2 – General Commercial District | Assi Parking Lot   | Mixed-Use          |
| West      | C-4 - Milwaukee Ave Mixed Use     | Commercial         | Mixed-Use          |

**Zoning and Comprehensive Plan**

The subject property is zoned ‘C-4 – Milwaukee Avenue Mixed-Use District.’ ‘Vehicle Repair – Major’ requires Special Use approval in the C-4 District. Section 8.5 defines ‘Vehicle Repair – Major’ as “a business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles, and may include minor auto repair services.” The main difference between ‘Vehicle Repair – Major’ and ‘Vehicle Repair – Minor’ is doing body work and painting. Since Mr. Zarylbek hopes to offer painting services down the line, it was recommended he apply for ‘Vehicle Repair – Major.’

Section 8.3(W) provides use standards for Vehicle Repair uses. They are as follows:

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than three days. Only vehicles that have been or are being serviced may be stored outdoors.
2. All repair and service operations must be performed within a fully enclosed building. All equipment and parts must be stored indoors.
3. Vehicle repair establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence six feet in height.
4. No partially dismantled, wrecked, or unlicensed vehicle may be stored outdoors on the premises. This standard does not apply to vehicles under repair. Vehicles may not be on-site for more than 3 days.
5. The sale of used or new automobiles is prohibited.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

Goal #2 of the “Districts and Corridors” section of the 2040 Comprehensive Plan is to “enhance the vibrancy of commercial shopping centers.” Policy #2 under that goal is to “pursue and attract new land users and tenants to fill vacant shopping center spaces.” This space has been vacant for nearly a decade.

**Parking**

Section 10.4 of the Zoning Ordinance states that “Vehicle Repair - Major or Minor” uses require four parking spaces per service bay. There are 6 service bays at the subject property, meaning the proposed use would require 24 spaces. The other tenant in the building is a truck rental business, which requires 3 parking stalls per 1,000 sf of office space. The office for the truck rental business is only 350 sf, meaning they require 1 parking stall. As such, a total of 25 spaces are required for both uses.

Any existing striping on the parking lot has been worn away. The applicant has submitted a parking plan showing room for 36 parking stalls at the property.

**Recommended Conditions of Approval**

Should the Planning and Zoning Board approve the requested Special Use, Community Development Staff request the following conditions:

1. Parking lot must be milled, paved, and re-stripped prior to the business opening.
2. Landscaping must be installed between the building and Milwaukee Avenue.
3. Business will be conducted in accordance with the standards listed in Section 8.3(W) of the Niles Zoning Ordinance.

**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?*

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: Questions concerning storage of hazardous products were satisfactorily answered by applicant. The building did have an internal fire some years ago and the applicant has provided a preliminary fire damage report. The conclusion was that the exposed structural elements are not damaged, but a full structural inspection will be required prior to occupancy.

Engineer: No concerns

Community Development: See recommended conditions

**Legal Notification**

A legal notice was published in the Bugle on June 13, 2024, and notices to all owners of property within 250 feet were mailed on June 12, 2024. An on-site sign was placed on the property on June 13, 2024.

**Other Actions**

The Planning and Zoning Board will make a recommendation on this requested special use permit, and this recommendation is tentatively scheduled to be considered by the Village Board for a final decision on Tuesday, July 23, 2024.

**Principal Parties Expected at Meeting**

1. Rustam Zarylbek, Applicant;
2. Owners of properties who received notification.

