



**WHEELING PLAN COMMISSION  
THURSDAY, OCTOBER 10, 2019 6:30 P.M.**

**AGENDA FOR A REGULAR MEETING OF THE PLAN COMMISSION  
Scanlon Conference Room, 1<sup>ST</sup> Floor - 2 Community Boulevard, Wheeling, Illinois  
\*NOTE CHANGE IN MEETING ROOM\***

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- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. CHANGES TO THE AGENDA**
- 5. CITIZEN CONCERNS AND COMMENTS**

\*Municipal Code 2.03.060 Subjects of Orders of Business:

Citizen Concerns and Comments. Members of the public may address the Plan Commission with comments regarding only those issues that are relevant to the Plan Commission's agenda or topics that the Plan Commission has the authority, pursuant to the Village Code, to address. The chairperson or his or her designee shall strictly restrain comments to matters that are relevant to the Plan Commission business and shall not permit repetitious comments or arguments. Members of the general public who wish to address the Plan Commission must sign the request to speak form prior to the commencement of the public meeting. The persons submitting a petition, concern or other comment shall be allocated five minutes to present their points.

- 6. CONSENT ITEMS**
- 7. ITEMS FOR DISCUSSION**
  - A.) Plan Commission Training Presentation by Klein, Thorpe, and Jenkins, Ltd.
  - B.) Updates to Plan Commission Agenda Packets and Schedule
- 8. APPROVAL OF MINUTES** – [September 26, 2019](#) (including Findings for Docket No. 2019-20)
- 9. OTHER BUSINESS**
- 10. ADJOURNMENT**

**1. CALL TO ORDER**

Chairman Johnson called the meeting to order at 6:30 p.m. on September 26, 2019.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Present were Commissioners Blinova, Creech, Johnson, Sprague, Thompson and Yedinak. Commissioner Kalis was absent with prior notice. Also present were Marcy Knysz, Village Planner, Mallory Milluzzi, Village Attorney, Ron Antor, Fire Inspector and Kyle Goetzelmann, Civil Engineer.

**4. CHANGES TO THE AGENDA - None**

**5. CITIZEN CONCERNS AND COMMENTS - None**

**6. CONSENT ITEMS**

**A) [Docket No. SCBA 19-33](#)**

Far Out  
410 Mercantile Court  
Appearance Approval of a Wall Sign

**B) [Docket No. SCBA 19-34](#)**

Wieland Metals, Inc.  
707 Northgate Parkway  
Appearance Approval of a Directional Sign and Wall Signs

Commissioner Creech moved, seconded by Commissioner Blinova to approve the following consent items.

**Approve Docket No. SCBA 19-33** to permit the installation of a wall sign in accordance with the sign plan prepared by Signs of Distinction, dated 9/13/2019, and located at 410 Mercantile Court.

**Approve Docket No. SCBA 19-34** to permit the installation of two wall signs in accordance with the sign plans prepared by Priority, dated 8/5/2019 (last revised 8/30/2019), for Wieland located at 707 Northgate Parkway.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Sprague, Thompson, Yedinak  
NAYS: None  
ABSENT: Kalis  
PRESENT: None  
ABSTAIN: None

There being six affirmative votes, the motion was approved.

## 7. ITEMS FOR REVIEW

- A) [Docket No. PC 19-19](#)  
Richelieu Foods, Inc.  
120 W. Palatine Road  
Minor Site Plan and Appearance Approval

The petitioner is proposing an expansion and adding a crust production facility. They are a pizza topping manufacturer and currently have 3 pizza topping lines in their facility. The crust they currently use is from an outside supplier. They want to vertically integrate their business in the Village of Wheeling and add crust production capabilities to an existing warehouse space they have and add a small addition to their facility to house some mechanical processing equipment that supports the new production capability.

They are proposing adding a crust production line into their existing warehouse that is on the north side of the property. Inside the warehouse they will be adding production equipment that will consist of dough manufacturing equipment and pressing equipment that will take the dough balls and press it into a round pizza crust and then freeze the pizza crusts for use in their production facility. In order to support the operation, they need to bring flour on site, so they are requesting to add two flour silos. The second silo will be added about a year later as they wrap up production. Both silos will be located on the west side of the property. On the east side of the property, they need to add a new nitrogen tank where they will store nitrogen for a freezer tunnel used to freeze the pizza crusts. In addition, they want to build an access road to allow the flour delivery trucks to deliver flour to the silos. On the east side, they will use the existing road for delivery of the nitrogen.

Commissioner Blinova had no questions.

Commissioner Sprague questioned the safety of the sidewalk that runs next to the nitrogen tank. The petitioner explained the nitrogen tank would have a 6' fence around it with the appropriate screening. The fence will be locked, and the tank does not present any hazards. They have a

similar situation on the west side of the property that has a driveway (no sidewalk) where people could walk up and gain access to the existing tanks. That fence is also locked and the only people that have a key to it are the Fire Department and their nitrogen supplier.

Commissioner Sprague referred to the 15' separation requirement between the tank and grass. He mentioned a strip of grass on the other side of the sidewalk and questioned if the grass would be removed. The petitioner confirmed there is grass on both the north and south sides and he agreed to replace it with stone if the Fire Department required it. Commissioner Sprague referred to the strip of grass on the east side of the sidewalk. The petitioner confirmed it would also be removed and replaced with stone if the Fire Department required it. The petitioner thought they would use a landscape stone. Chairman Johnson explained it would be handled during the permitting process. Mr. Antor noted that landscape stones had been used in similar situations in the past.

Commissioner Yedinak had no questions.

Commissioner Thompson had no questions.

Commissioner Creech asked if they cooked any pizzas on site. The petitioner confirmed they did not bake pizzas except for quality control for their employees.

Commissioner Sprague moved, seconded by Commissioner Yedinak to approve Docket No. PC 19-19 granting a minor site plan and appearance approval, as required under Title 19, Zoning, of the Wheeling Municipal Code and Chapter 19-12, Site Plan and Building Appearance Approval Requirements, in order to construct a building addition, mechanical equipment, and related site improvements for Richelieu Foods located at 120 West Palatine Road, in accordance with the exhibits prepared by Richelieu Foods, Inc., dated 8/13/2019 (last revised 9/17/2019).

On the roll call, the vote was as follows:

AYES:	Commissioners Blinova, Creech, Johnson, Sprague, Thompson, Yedinak
NAYS:	None
ABSENT:	Kalis
PRESENT:	None
ABSTAIN:	None

There being six affirmative votes, the motion was approved.

- B)**     [Docket No. PC 19-20](#)  
           The Learning Experience  
           343 W. Dundee Road  
           Minor Appearance Approval

Ms. Knysz explained the minor appearance approval is for a change in the fence design and material and a change in the approved window frame color. There are two fences on the property. The fence around the playground was initially approved as a horizontal metal fence

and Staff had approved it to be changed to a vinyl fence with traditional vertical panels due to the potential of children climbing on the metal fence. The second fence is the perimeter fence on the north and east sides of the building. It was originally approved as a white aluminum picket fence, but it was installed as a white vinyl fence and fence permits were not secured prior to the installation of the fence. The approved window frames were to be aluminum bronze finished frames and the windows installed were white vinyl windows. Staff does not recommend appearance approval since the fence and windows were installed without consent from the Village.

Mr. Brad Friedman explained they were working with timelines, trying to satisfy the tenant and get their approvals on the designs. He apologized and asked to look at the facility as it stands. The tenant is happy and feels it is a look that satisfies the tenant. He thinks the white windows match the white fencing and makes it appear clean with the same materials and colors. He apologized for not going through the proper steps but thinks the bigger picture is how it looks and if it was really dissatisfying.

Commissioner Creech questioned if the fence manufacturer was reviewed by the Village. Mr. Friedman explained the fence around the playground was submitted to the Village for approval and he thought it was approved by Andrew Jennings. The issue is the remaining part of the fence did not match the original drawings. Commissioner Creech believes the Commission originally approved a fence that went vertical and not horizontal. Mr. Friedman explained the original design was vertical slits. The Learning Experience wanted a solid fence that no one could see through but the Fire Department wanted visibility so that is what was approved around the playground area. The same concept was applied around the building for continuity.

Commissioner Creech questioned what happened with the windows. Mr. Friedman explained they were to match the white vinyl fence. Commissioner Creech felt it was a big change from aluminum to a vinyl window. Mr. Friedman felt the only difference was from bronze to white but Commissioner Creech felt it was also a big difference in quality.

In reply to Commissioner Creech's question, Ms. Knysz explained the issue is with the perimeter fence since Andrew Jennings approved the playground fence. Commissioner Creech didn't think vinyl was mentioned. Mr. Friedman confirmed he had provided the spec sheet.

Commissioner Thompson had no questions.

In response to Commissioner Yedinak's question, Ms. Milluzzi confirmed the playground fence was not currently before the Commission since it had already been approved as an administrative change.

Commissioner Yedinak questioned what happens if the fence does not get approved tonight. Ms. Milluzzi explained since it was a minor site plan approval, the Plan Commission has the final decision. If it does not get approved, the petitioner would need to change it.

Commissioner Yedinak is not opposed to a vinyl fence but thinks in this application, there was clear direction on what should have happened. He does not agree it looks as aesthetically pleasing as what was shown on the proposed drawings. He thinks the vinyl windows stand out

from the doors and then the fence stands out from what was shown on the other renderings. He expressed concern it could set a precedent for others.

Commissioner Sprague agreed with Commissioner Yedinak. He mentioned he'd been on the Commission for three meetings and this was the third time someone had done something before getting approval. He felt it was a disturbing trend and it should be denied encouraging it from happening again.

In reply to Commissioner Sprague's question, Ms. Milluzzi confirmed the original approval was for bronze windows. Commissioner Sprague did not think it showed continuity throughout the center which used bronze windows. Mr. Friedman reiterated that they were in the business to please their tenants and they were trying to make accommodations. He felt they have done a real good job with the Town Center project and following the procedures and delivering a quality product. They submitted applications to the Village for a fence permit, but it was sitting and not getting approved since they had changed the material.

Commissioner Sprague questioned if the colors deviated because it was requested by the tenant. Mr. Friedman explained the tenant always wanted white but then there was an understanding after input from the Village and Fire Department. They need to be amenable because in the current market the tenant has the upper hand. They are doing the best they can to lease out the spaces and keep the tenants happy. Commissioner Sprague questioned if the tenant was aware when they came in of the materials and colors that needed to be used, Ms. Knysz confirmed they were aware.

Commissioner Blinova questioned if the Code would have allowed the vinyl fence if it would have been included in the original proposal. Ms. Knysz explained the design package for Wheeling Town Center did not permit it. Mr. Friedman explained they wanted each building to have its own characteristics while still blending in with the Town Center. The Learning Center is off to the side and not down the main path and the building materials were within Code. Ms. Milluzzi explained when the Learning Center came for the Special Use and site plan appearance approval, the proposal was for the white picket fence and not a vinyl fence so she is unsure if the Commission would have approved it. Mr. Friedman explained the point of the fence is to gather the kids and not have them escape. It serves a purpose and not just from an appearance standpoint.

Commissioner Yedinak questioned if the original proposal was for a white picket fence because the renderings showed more of a grey tone to match the doors, windows and Town Center. Ms. Knysz understood it to be a white aluminum picket fence. The white color was approved.

Commissioner Blinova felt the uniqueness of the use may make it OK for it to stand out with different windows.

Chairman Johnson can understand the fence even though it wasn't approved. He had concerns about the sharp points on the top, but it's what was approved. He was not in agreement about the windows since it didn't go with the scheme of the entire project. Mr. Friedman felt the building should be looked at separately since Northgate Parkway is the entrance into the plaza with the continuity and the daycare is off to the side.

Commissioner Yedinak visited the property and felt the windows stood out compared to the doors and awnings. He did not think the windows blended with the building. He asked if the approval for the windows and fence could be separated. Ms. Milluzzi agreed both items could be separated by using a specific motion.

Chairman Johnson referred to a gap in the fence and Mr. Friedman agreed to correct it by sealing off the gap.

Chairman Johnson asked for input from the Fire Department about the exits in the fence. Mr. Antor explained a daycare is required to have two means of egress for each individual classroom. There is no definitive direction for out of the building except the need to get to the public way. They currently have one exit on the southeast corner of the building (front corner). It's not clear if there needs to be any exits if you can get 50' away from the building. Most of the time the occupants would exit through the interior corridors to the primary exits within the building. Chairman Johnson asked if there was an exit from the playground area. Mr. Antor explained it looped all around the building.

Chairman Johnson took a poll regarding the fence and windows.

Commissioner Creech: He didn't like any of the fences and was disappointed that they changed without consultation with the Plan Commission. He is not in favor of the current fence or windows.

Commissioner Thompson: She was unsure if there would be any appearance change with the approved fence. She is disappointed that the Plan Commission was not consulted. She is in favor of the current fence but not in favor of the current windows.

Commissioner Yedinak: He is OK with the fence if white was approved but not in favor of the windows.

Commissioner Sprague: He wants both fences to look the same, so he is OK with the fence but not in favor of the windows.

Commissioner Blinova: In favor of the fence and windows.

Chairman Johnson: In favor of the fence since the change in the other fence was approved but he is not in favor of the windows.

The consensus was 5:1 in favor of keeping the fence and 1:5 in favor of the windows.

Commissioner Yedinak moved, seconded by Commissioner Creech to approve Docket No. PC 19-20 granting minor appearance approval, as required under Title 19, Zoning, of the Wheeling Municipal Code and Chapter 19-12, Site Plan and Building Appearance Approval Requirements, in order to modify the material of the perimeter fence for The Learning Experience (Building E in the Wheeling Town Center), located at 343 W. Dundee Road, in accordance with the petitioner's photographs, and subject to the following conditions:

1. Prior to the issuance of a certificate of occupancy, a fence permit application for the perimeter fence and playground fence shall be submitted to the Community Development Department for review;
2. That the proposed modifications to the material and color of the windows are not included in this approval and must conform to the approval stated in Ordinance No. 5206; and
3. That the gap in the fence shall be sealed up prior to issuance of certificate of occupancy.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Johnson, Sprague, Thompson, Yedinak  
 NAYS: Commissioner Creech  
 ABSENT: Kalis  
 PRESENT: None  
 ABSTAIN: None

There being five affirmative votes, the motion was approved.

- C) [Docket No. 2019-20](#)  
 554 Sycamore Lane Fence Variance  
 554 Sycamore Lane  
 Variance to permit a Six Foot Tall Opaque Fence within the Front Yard Setback

See Findings of Fact and Recommendation for Docket No. 2019-20.

Commissioner Blinova moved, seconded by Commissioner Thompson to recommend approval of Docket No. 2019-20, granting variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, to permit a six foot tall opaque fence within the front yard setback area, which restricts opaque fencing to a maximum height of four feet, for the property located at 554 Sycamore Lane, in accordance with the following exhibits:

- Site plan prepared by the petitioner, received 8/30/2019
- Proposed fence illustration

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Sprague, Thompson, Yedinak  
 NAYS: None  
 ABSENT: Kalis  
 PRESENT: None  
 ABSTAIN: None

There being six affirmative votes, the motion was approved.



Commissioner Yedinak moved, seconded by Commissioner Sprague to close Docket No. 2019-20. The motion was approved by a voice vote.

**D) [Allegro Senior Housing Development](#)**  
Southwest corner of Lake Cook and Milwaukee  
Concept Review – Phased Planned Unit Development

Mr. Josh Bauer, Opus Development Company, 9700 Higgins, Rosemont. Mr. Adam Nowoj, Architect, Opus Development Company, Mr. Jamie Smith, Smith Family, and Mr. Sproule Love, Allegro was present.

Mr. Bauer explained they were present for the preliminary concept review process for a multi phased planned unit development on the southwest corner of Milwaukee Avenue and Lake Cook Road.

They originally presented to the Board in September 2018 and after multiple meetings with the Board and Staff they changed their site plan from feedback they received. They understand the property is very prominent. Their business focuses on multi-family, student housing, senior housing, office and industrial. They partner with Allegro on their senior housing efforts. The plan is to do a senior housing project with 160 units at the northwest corner of the site.

Allegro is a developer, operator and would manage and operate the Wheeling location. They have almost 40 years of experience in senior housing. They have currently broken ground on two projects in the Chicago area (Glenview and Evanston) and have put a lot of effort in screening sites and really like the Wheeling location. They currently have 27 communities.

Mr. Nowoj provided a panoramic view of the 17.7-acre site. Prairie Park condos are to the south. They subdivided the 17.7-acre site into different property lines. The sites they would initially be developing is the site to the north that would include the building. It would represent over 6 acres. The parcel of land to the southwest represents the pond, a lot of trees would remain. The Phase 2 sites would be developed by others. The site on the east corner would be about an acre and the one to the south is about 2 acres. The traffic pattern was provided with an approved right in and right out on the Lake Cook off ramp and then the newly constructed bridge off Willis Court. The wetland buffer area could be a nice opportunity for a parks and rec project.

They moved the project from the southern edge of the property to the northwest corner after comments from the Village. The building itself hasn't changed. Phase 1 includes the building and site detention with the roads. The denser part of the orange of the floorplan represents the independent and assisted living building and then the smaller one-story memory care building is to the west. Each section of the building has its own separate entry with different surface parking lots. The surface parking is for 80 cars and another 80 cars would be positioned in the basement of the project.

Mr. Nowoj confirmed they were proposing a 4-story building. They are proposing a nice rich red brick combination of brick and fiber cement both smooth and textured fiber cement panels.

There are a lot of windows and amenity spaces. Anchoring the center is a nice common area that is the hub of the project with a lot of glass for natural light.

Mr. Nowoj reviewed the variances that would be requested.

- 27 units per acre versus 20 units per acre
- 4 stories versus a maximum of 3 stories
- 160 units for 160 cars

The finishes in the units are nice rich colors and textures. The building amenities include seating groups with multiple heights, billiards, card room, indoor pool, theater, nail salon, etc.

They plan to close in June with the construction starting soon afterwards.

To benefit the new Commissioners, Ms. Milluzzi explained a concept review was a high-level overview procedure where they present the overview, the general layout without a lot of details just to get feedback from the Board and the Plan Commission. Feedback is received but a vote is not taken. Mr. Bauer stated their goal is for honest feedback and if they should proceed with their due diligence. They received a 4:3 straw vote from the Village Board in favor of the project.

Ms. Milluzzi explained the PUD includes the entire site (16 acres), Phase 1 is the Opus Allegro project and Phase 2 (outlots A&B) is unknown.

Commissioner Creech asked if Opus was purchasing the entire site. Mr. Bauer confirmed they were only purchasing for Phase 1. Commissioner Creech questioned how it could be a PUD for the whole site when they were only purchasing a portion of it. Ms. Milluzzi explained the second portion is for future development. Commissioner Creech expressed concern since they have no idea what would be built on the other two sites. He wants more information about the other two sites in order to approve the PUD for the entire site.

Mr. Smith stated they own the property and provided background. Previously the site was unbuildable, but they were able to work out an agreement and received some TIF funds from the Village. Commissioner Creech is familiar with the background. He questioned if they had any other interested parties in the PUD. Mr. Smith stated they don't have an active deal but have been marketing it for the last 4 years. Commissioner Creech is opposed to enter a PUD for the entire site when there was only one purchaser/project with no promise going forward. Mr. Smith mentioned they had talked to Staff about subdividing, but Staff suggested going this route. Mr. Smith explained the biggest problem is that they are in Cook County with proximity to Lake County which is a challenge to find users. They feel getting the anchor and infrastructure and the deacceleration lane would enhance their capabilities in getting new users for the other two remaining pads. They are currently talking to another hotel user and they feel bringing in the Allegro/Opus project would help bring users to the two remaining pads.

Commissioner Creech asked Mr. Goetzelmann if the retention pond shown on the southwest area of the property was needed with the comp storage for the site. Mr. Goetzelmann explained the comp storage was already provided off site, but detention was needed. If they can show the area

provided could provide enough detention for the entire site, they would need to make it work. Commissioner Creech questioned if the detention pond shown on phase 1 was for the entire site. Mr. Bauer explained it was added for the entire site, but they don't know the land use on the balance of the site so until they know it, they won't know the exact size. Without having engineers spend a lot of money on it they've used their rule of thumb for a quick study. Commissioner Creech questioned the amount required for their building. Mr. Nowoj stated they are showing 1 acre for the pond which is the right size for just about any use. They would look at it much deeper as they go through the next phase.

Commissioner Creech asked if Mr. Goetzelmann had any engineering on it. Mr. Goetzelmann felt that since this was a concept review, they had provided space for a detention pond. The space would need to be increased in size if they found out they needed more. It is too early to tell in a concept review.

Commissioner Creech explained the reason for his questions was because they were giving up a big chunk of property left on the site that was usable. The Village has a huge investment in the property for it to be buildable and now an entire acre is being lost for retention. He feels it should be located underground so that they could use as much of the site as possible. He wants to see something there besides wetlands. Mr. Bauer doesn't believe the wetlands could be moved. The comp storage was crucial and took a lot of the land in the floodplain and provided compensatory storage so instead of having 1 or 2 acres buildable it is about 11 acres. Commissioner Creech felt there was a lot of green space for underground storage. Mr. Bauer mentioned underground storage was extremely expensive but agreed to investigate as an option.

Commissioner Creech understands a smaller unit for memory care but would like them to use the 625 square foot range per code for the assisted living and independent living. Mr. Bauer felt it was a little early for the unit break down, he thinks there are only 4 independent living units that were studios and below 650 square feet and maybe only 4 assisted living. He explained they include just a few of the smaller units for those that can't afford a larger unit but still want to live in the development.

Commissioner Sprague questioned how the residents would get to the land to the west if it was made into something they could use. He questioned the location of the access. Mr. Bauer explained they would provide an easement to the Park District coming from the right in or right out from the Lake Cook ramp or through the side with access to the back portion.

Commissioner Thompson has visited several assisted living places that were trying to fill their rooms, she questioned if they determined that there was a growing need for these types of places. Mr. Bauer commented that they would not be able to get lender financing or an equity partner if there was not a demand for it. He can guarantee it wouldn't get built unless there wasn't the demand. There is a sophisticated site screening process and demand is a huge component. They look at adult children, potential residents and with their operating history that informs their development choices. A project won't get financed in an area that doesn't have demand. They don't want to spend the money putting together a site plan and doing all the work without a site that has demand. Half of their units are independent living and the residents would move to another floor when they needed assisted living instead of moving to a different community. They've had a lot of success with majority independent living communities all over the country.

They know how to build and market them.

Commissioner Blinova does not have a concern with the project for assisted living if there is a demand. She expressed concern about the unknown with phase 2 and how soon it would be occupied.

Commissioner Yedinak expressed concern this project could limit the other two sites. He would like the Village to recoup some of the investment giving access to the site. He thinks it's a good-looking building.

Commissioner Yedinak questioned if it's 160 units that was mentioned or the 180 units that was listed in the materials provided. Mr. Bauer explained the original plan was for 180 units but the feedback from the Board was for less units because of the concern for ambulatory calls. They dropped the unit count down to 160. The breakdown would be the same 35% assisted living, 50% independent living and 15% memory care. They offered to provide an updated breakdown.

In reply to Commissioner Yedinak's question, Mr. Nowoj confirmed they were all rentals. They found the 1:1 parking ratio worked throughout their operating history with the same ratio. The parking includes employees and guests. They typically don't have residents with two cars.

Commissioner Yedinak does not object to the 4-story variance since he thinks it fits into the character of the area.

Commissioner Yedinak expressed concern about the square footage. Mr. Nowoj stated the studio units were under 600 square feet but there were just a few. Memory care has smaller units which is the industry standards.

Commissioner Yedinak wants to see the breakdown of units during the next phase.

Chairman Johnson questioned if the pond could be moved farther west. Mr. Bauer confirmed it could not be moved any further west because it would be in the flood zone.

Chairman Johnson asked where the underground parking would be located. Mr. Bauer explained it could be located just beneath the memory care portion of the project.

Chairman Johnson referred to the inconsistencies about the number of units, parking spaces and floors. It would need to be cleared up before any preliminary discussion. Mr. Bauer confirmed it was a four story, 160-unit project.

Commissioner Creech wants to see elevations from all sides when they return.

Commissioner Bauer asked if it was possible to get a vote on the Commission's recommendation. Ms. Milluzzi explained the Chairman could take a straw poll to get an idea if the Commission was in favor of the general concept of the PUD project.

Chairman Johnson took a straw poll if the Commission was in favor of the concept of PUD.

Commissioner Creech: in favor, would like to see the Smith family provide more information on their properties for this PUD. He likes the building design and thinks it would fit nicely in the area.

Commissioner Thompson: likes the building and she would like to see it developed with other things.

Commissioner Yedinak: has a concern with the out lots. He likes the appearance and could support the variances with some additional information he had discussed earlier.

Commissioner Sprague: in favor of the concept.

Commissioner Blinova: likes the project but would like to see what could be proposed in phase 2.

Chairman Johnson: likes the building and wants to come up with uses for the two out lots.

It was unanimous to move forward to preliminary.

Mr. Goetzelmann suggested having more detail about the hydraulics and sizing for the detention pond as it relates to phase 1 and potential phase 2 uses.

#### **8. APPROVAL OF MINUTES – [September 12, 2019](#)**

Commissioner Blinova moved, seconded by Commissioner Thompson to approve the minutes dated September 12, 2019 as corrected. The motion was approved by a voice vote.

#### **9. OTHER BUSINESS**

Chairman Johnson announced a workshop scheduled on October 10<sup>th</sup>.

Chairman Johnson announced a change for the October 24<sup>th</sup> meeting to October 17<sup>th</sup> because of the Taste of the Town event. All Commissioners present agreed with the change.

Chairman Johnson asked the Commission to watch the September 16<sup>th</sup> board meeting to see some concept reviews and a discussion about cannabis sales.

Chairman Johnson has had discussion with Ms. Knysz about installed signs that have come before the Commission prior to approval. He has asked that these signs don't appear on the consent agenda. All Commissioners present agreed.

Ms. Milluzzi announced it was her last meeting until December. Her associate will be covering the meetings in October and November.

**10. ADJOURNMENT**

Commissioner Blinova moved, seconded by Commissioner Creech to adjourn the meeting at 8:30 p.m. All were in favor on a unanimous voice vote and the meeting was adjourned.

Respectfully submitted,

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Tatiana Blinova, Secretary Pro Tem  
Wheeling Plan Commission

**FINDINGS OF FACT  
AND RECOMMENDATION**

To: Village President and Board of Trustees

From: Wheeling Plan Commission/Sign Code Board of Appeal

Re: [Docket No. 2019-20](#)  
554 Sycamore Lane Fence Variance  
554 Sycamore Lane  
Variance to permit a Six Foot Tall Opaque Fence within the Front Yard Setback

Barry Davis, property owner, seeking a variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, to permit a six foot tall opaque fence within the front yard setback area, which restricts opaque fencing to a maximum height of four feet, for the property located at 554 Sycamore Lane.

Chairman Johnson called Docket No. 2019-20 on September 26, 2019. Present were Commissioners Blinova, Creech, Johnson, Sprague, Thompson and Yedinak. Commissioner Kalis was absent with prior notice. Also present were Marcy Knysz, Village Planner, Mallory Milluzzi, Village Attorney, Ron Antor, Fire Inspector and Kyle Goetzelmann, Civil Engineer.

Ms. Knysz explained the reason they were requesting the variance was because they were located on a corner lot and both of the sides were considered front yards so therefore, a fence can't be put within 25' of the lot line. The homeowners want to replace the existing 4' fence with a 6' fence.

No one from the audience came forward.

Mr. Knysz stated the submittals of the petitioner and Staff Reports were part of the public record.

Mr. Barry Davis, property owner, 554 Sycamore Lane, Wheeling was present and sworn in.

Commissioner Blinova read the following statement.

A zoning variation is intended to be a method of adjustment to equalize regulations where Title 19 of the Village of Wheeling (Zoning) has created an unnecessary hardship. A variation is designed to allow affected property owners the same rights and privileges that others enjoy in the same zoning district. In order to be granted a variation a petitioner is required to demonstrate through testimony to the Plan Commission at the public hearing why their request meets the conditions of the village code including, but not limited to, how their individual situation is unique or unusual. Prior to the public hearing the petitioner provides written statements meant to show that their request for variation meets the standards established in Title 19. The Commission Chairperson will typically direct that these statements be entered into the record without a full reading of them at the hearing. Based upon the testimony and supporting materials submitted, the Plan Commission will make findings in support of, or against, the petitioner's

**Findings of Fact and  
Recommendation**

**DOCKET NO. 2019-20**

testimony and report those findings to the Village Board.

Mr. Davis noticed people had 8-15' bushes hanging over the sidewalk. He wants privacy at his house with a clean look. The proposed fence will be in the same location as the existing fence. He mentioned his neighbor wants to do the same thing if this gets approved.

Commissioner Yedinak questioned if there are sight-line concerns with this request. Ms. Knysz confirmed there were none.

Commissioner Yedinak thinks a nice vinyl fence would look better in this location than wood but understands the Code requires wood.

Commissioner Blinova had no questions.

Commissioner Thompson had no questions.

Commissioner Sprague noticed his back-lot line contours down to meet the other fences, he questioned if he had plans to do that with the side fence. Mr. Davis explained he wants to do a 6' solid on the L and the neighbor would do the same.

Commissioner Sprague questioned if he would leave the fence to weather. Mr. Davis explained the fence is cedar so it needs to dry out and then he would seal it with a darker wood tone.

Commissioner Creech had no questions.

Chairman Johnson has a similar property and mentioned that a 6' fence would not stop trash from going into the yard. He is in favor of the proposed.

Commissioner Blinova moved, seconded by Commissioner Thompson to recommend approval of Docket No. 2019-20, granting variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, to permit a six foot tall opaque fence within the front yard setback area, which restricts opaque fencing to a maximum height of four feet, for the property located at 554 Sycamore Lane, in accordance with the following exhibits:

- Site plan prepared by the petitioner, received 8/30/2019
- Proposed fence illustration

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Sprague, Thompson, Yedinak  
 NAYS: None  
 ABSENT: Kalis  
 PRESENT: None  
 ABSTAIN: None



**Findings of Fact and  
Recommendation**

**DOCKET NO. 2019-20**

There being six affirmative votes, the motion was approved.

Commissioner Yedinak moved, seconded by Commissioner Sprague to close Docket No. 2019-20.  
The motion was approved by a voice vote.

Respectfully submitted,

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Don Johnson, Chairman  
Wheeling Plan Commission/  
Sign Code Board of Appeals

**DISTRIBUTED TO THE COMMISSION 10.4.2019  
FOR APPROVAL ON 10.10.2019**