

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 6:30 p.m. on March 22, 2023.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present were Commissioners Kasper, Hyken, Berke, Myer, Sprague, Riles and Johnson. Also, present were Marcy Knysz, Village Planner and Mallory Milluzzi, Village Attorney.

4. CHANGES TO THE AGENDA - None

5. CITIZEN CONCERNS AND COMMENTS - None

6. CONSENT ITEMS - None

7. ITEMS FOR REVIEW

- A) Docket No. 2023-06
Tracy's
18 W. Dundee Road
Special Use to Operate a Gaming Establishment**

See Findings of Fact and Recommendation for Docket No. 2023-06.

Commissioner Kasper moved, seconded by Commissioner Myer to recommend approval of Docket No. 2023-06, granting Special Use Approval as required under Title 19, Zoning, of the Wheeling Village Code, Chapter 19-10 Use Regulations and associated sections, in order to operate a Gaming Establishment at 18 W. Dundee Road which is zoned B-3, General Commercial & Office District, in accordance with the Project Description Letter prepared by Tim Axarides, President of Silver Hawk Restaurant LLC, received by the Village of Wheeling on 12/13/2022 and the Floor Plan prepared by Thomas Scesniak Associates, dated 11/25/2022 (revised 11/30/2022), and subject to the following conditions:

1. The seating capacity shall not exceed a total of (14) seats.
2. The hours of operation shall be consistent with liquor licensing.

On the roll call, the vote was as follows:

AYES: Commissioners Kasper, Myer, Hyken, Berke, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

Commissioner Sprague moved, seconded by Commissioner Myer to close Docket No. 2023-06

On the roll call, the vote was as follows:

AYES: Commissioners Sprague, Myer, Kasper, Hyken, Berke, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**B) Docket No. 2023-07
U-Haul
1712 S. Wolf Road
Special Use to Operate a Light Vehicle Rental Facility**

See Findings of Fact and Recommendation for Docket No. 2023-07.

Commissioner Myer moved, seconded by Commissioner Hyken to recommend approval of Docket No. 2023-07, granting Special Use, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, in order to permit a light motor vehicle rental facility for New Age Truck and Equipment Rental, located at 1712 S. Wolf Road, in accordance with the Petitioner's Project Description Letter (dated 2/28/2023) and subject to the following conditions:

1. All rental vehicles and equipment, including but not limited to trailers, shall be parked in the rear parking lot (west of the building) and at the south end of said lot.
2. A maximum of eight (8) parking spaces shall be used for all business operations for 1712 S. Wolf Road, including but not limited to parking for employees, customers, and rental vehicles/trailers.
3. The self-service 24/7 key box shall be located in the rear (west elevation) of the building.
4. Rentals are limited to vehicles that are no more than 20' in length, as measured from front bumper to rear bumper, and trailers with no more than one axle. This will limit rental vehicles to pickup trucks, cargo vans, 10' box trucks and trailers.

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Hyken, Kasper, Berke, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

Commissioner Sprague moved, seconded by Commissioner Myer to close Docket No. 2023-07

On the roll call, the vote was as follows:

AYES: Commissioners Sprague, Myer, Kasper, Hyken, Berke, Riles, Johnson

NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**C) Docket No. 2023-08
Concentra
544 W. Dundee Road
Special Use to Permit a Health Clinic**

See Findings of Fact and Recommendation for Docket No. 2023-08.

Commissioner Myer moved, seconded by Commissioner Kasper to recommend approval of Docket No. 2023-08, granting Special Use, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, in order to permit a health clinic for Concentra, located at 544 W. Dundee Road and 544B W. Dundee, in accordance with the Petitioner's Project Description Letter (received by the Village on 2/16/2023), Floor Plan prepared by LITTLE (dated 11/28/2022) and Lynn Plaza Location Exhibit (received by the Village on 2/28/2023).

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Kasper, Hyken, Berke, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

Commissioner Sprague moved, seconded by Commissioner Myer to close Docket No. 2023-08

On the roll call, the vote was as follows:

AYES: Commissioners Sprague, Myer, Berke, Kasper, Hyken, Berke, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**D) Docket No. 2023-09
297 1st Street
Variation to Reduce the Required Minimum Side Yard Setback from 6 feet
to 0 Feet**

See Findings of Fact and Recommendation for Docket No. 2023-09.

Commissioner Sprague moved, seconded by Commissioner Myer to recommend approval of Docket No. 2023-09 granting a variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-11 General Development Standards, and associated sections, to reduce the minimum required side yard setback from 6 feet to 0 feet on the south property line associated with a building addition, located at 297 1st Street, in accordance with the Petitioner's Project Description Letter (dated 2/9/2023), Plat of Survey prepared by Winemiller & Associates, and Building Addition Sketch (received by the Village on 2/15/2023), and subject to the following:

1. The parking surface under the roof extension structure shall be constructed of hard-surface material.
2. Within thirty (30) days from the granting of the variance by the Village of Wheeling, the petitioner shall submit an Application for Building Permit to the Department of Community Development for the addition and paving. Upon demonstration of compliance with all Village regulations, the building permit shall be issued upon payment by the petitioner in which the building permit fee shall be doubled pursuant to the Schedule of Village Fees and Charges.
3. The addition shall be improved with rain gutters and down spouts to discharge stormwater onto the subject property to prevent discharge on the neighboring properties.

On the roll call, the vote was as follows:

AYES: None
NAYS: Commissioners Sprague, Myer, Kasper, Hyken, Berke, Riles, Johnson
ABSENT: None
ABSTAIN: None

There being seven negative votes, the motion was denied.

Commissioner Myer moved, seconded by Commissioner Hyken to close Docket No. 2023-09

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Hyken, Kasper, Berke, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**E) Docket No. 2023-10
Favareli, Inc.
262 McHenry Road
Special Use to Permit a Recreation and Instruction Facility**

See Findings of Fact and Recommendation for Docket No. 2023-10.

Commissioner Kasper moved, seconded by Commissioner Berke to recommend approval of Docket No. 2023-10, granting Special Use, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, in order to permit a recreation and instruction facility for Favareli, Inc., located at 262 McHenry Road, in accordance with the Petitioner's Project Description Letter (dated 2/15/2023), Floor Plan (received by the

Village on 2/16/2023) and Plat of Survey prepared by EXACTA Land Surveyors, LLC.

On the roll call, the vote was as follows:

AYES: Commissioners Kasper, Berke, Hyken, Sprague, Riles, Myer, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

Commissioner Myer moved, seconded by Commissioner Riles to close Docket No. 2023-10

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Riles, Kasper, Hyken, Berke, Sprague, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**F) Docket No. 2023-12
The Lynmark Group
375 W. Dundee Road
Special Use to Permit a Farmers Market at Wheeling Town Center**

See Findings of Fact and Recommendation for Docket No. 2023-12.

Commissioner Myer moved, seconded by Commissioner Hyken to recommend approval of Docket No. 2023-12, granting Special Use, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, in order to permit a Farmer's Market in the Village Green of Wheeling Town Center for The Lynmark Group, located at 375 W. Dundee Road, in accordance with the Petitioner's Project Description Letter (received by the Village on 2/24/2023), Plaza Survey (received by the Village on 2/21/2023) and Site Plan (received by the Village on 2/21/2023).

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Hyken, Kasper, Berke, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

Commissioner Myer moved, seconded by Commissioner Berke to close Docket No. 2023-12

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Berke, Kasper, Hyken, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**G) Docket No. 2023-13A
Mae Lee Tinker, LLC
160 W. Hintz Road
Special Use to Operate an Adult Use Cannabis Cultivation Facility**

See Findings of Fact and Recommendation for Docket No. 2023-13A.

Commissioner Myer moved, seconded by Commissioner Berke to recommend approval of Docket No. 2023-13A, granting Special Use, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-07 Industrial District, Chapter 19-10 Use Regulations, and associated sections, in order to permit a cannabis cultivation facility located at 160 W. Hintz Road, in accordance with the Petitioner's Project Description Letter, dated 3/13/2023, Floor Plan prepared by Psenka Architects, Inc., dated 3/5/2023 (Sheet A-3) and Site Plans prepared by Psenka Architects, Inc., dated 3/5/2023 (Sheets A-1 and A-2).

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Berke, Kasper, Hyken, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

Commissioner Myer moved, seconded by Commissioner Berke to close Docket No. 2023-13A.

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Berke, Kasper, Hyken, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**H) Docket No. 2023-13B
Mae Lee Tinker, LLC
160 W. Hintz Road
Variation to Permit a Reduction of the Required Minimum Rear Yard Setback
From 17 Feet to 7'6" Feet, Associated with the Operation of a Cannabis
Cultivation Center**

See Findings of Fact and Recommendation for Docket No. 2023-13B.

Commissioner Myer moved, seconded by Commissioner Berke to recommend approval of Docket No. 2023-13B granting a variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-07, Industrial Districts, and associated sections, to permit a reduction of the required minimum rear yard setback from 17 feet to 7'6" feet, associated with the operation of a cannabis cultivation facility, located at 160 W. Hintz Road, in accordance with the Petitioner's Project Description Letter, dated 3/13/2023, Site Plans prepared by Psenka Architects, Inc., dated 3/5/2023 (Sheets A-1 through A-2), and Equipment Enclosure Details prepared by Psenka Architects, Inc., dated 2/22/2023 (Sheet A-6), for Mae Lee Tinker, LLC.

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Berke, Kasper, Hyken, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

- I) Docket No. 2023-13C
Mae Lee Tinker, LLC
160 W. Hintz Road
Variation to Permit a Reduction in the Green Space Requirement from the
Required 25% Minimum to 15%, Associated with the Operation of a
Cannabis Cultivation Center**

See Findings of Fact and Recommendation for Docket No. 2023-13C.

Commissioner Myer moved, seconded by Commissioner Riles to recommend approval of Docket No. 2023-13C granting a variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-07, Industrial Districts, and associated sections, to permit a reduction in the minimum green space requirement from the required 25% minimum to 15%, associated with the operation of a cannabis cultivation facility, located at 160 W. Hintz Road, in accordance with the Petitioner's Project Description Letter, dated 3/13/2023, Site Plans prepared by Psenka Architects, Inc., dated 3/5/2023 (Sheets A-1 through A-2), and Equipment Enclosure Details prepared by Psenka Architects, Inc., dated 2/22/2023 (Sheet A-6), for Mae Lee Tinker, LLC.

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Riles, Kasper, Hyken, Berke, Sprague, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

- J) Docket No. 2023-13D
Mae Lee Tinker, LLC**

**160 W. Hintz Road
Variation to Permit an Increase in the Maximum Fence Height from 6 Feet
To 8 Feet, Associated with the Operation of a Cannabis Cultivation Center**

See Findings of Fact and Recommendation for Docket No. 2023-13D.

Commissioner Sprague moved, seconded by Commissioner Myer to recommend approval of Docket No. 2023-13D granting a variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10, Use Regulations, and associated sections, to permit an increase in the maximum fence height from 6 feet to 8 feet, associated with the operation of a cannabis cultivation facility, located at 160 W. Hintz Road, in accordance with the Petitioner's Project Description Letter, dated 3/13/2023, Site Plans prepared by Psenka Architects, Inc., dated 3/5/2023 (Sheets A-1 through A-2), and Equipment Enclosure Details prepared by Psenka Architects, Inc., dated 2/22/2023 (Sheet A-6), for Mae Lee Tinker, LLC.

On the roll call, the vote was as follows:

AYES: Commissioners Sprague, Myer, Kasper, Hyken, Berke, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**K) Docket No. 2023-13E
Mae Lee Tinker, LLC
160 W. Hintz Road
Variation to Permit a Reduction in the Minimum Number of Required
Off-Street Parking Spaces from 82 to 51**

See Findings of Fact and Recommendation for Docket No. 2023-13E.

Commissioner Myer moved, seconded by Commissioner Berke to recommend approval of Docket No. 2023-13E granting a variation from Title 19, Zoning, of the Wheeling Municipal Code, to permit a reduction in the minimum number of required off-street parking spaces from 82 spaces to 51 spaces, associated with the operation of a cannabis cultivation facility, located at 160 W. Hintz Road, in accordance with the Petitioner's Project Description Letter, dated 3/13/2023, Site Plans prepared by Psenka Architects, Inc., dated 3/5/2023 (Sheets A-1 through A-2), and Equipment Enclosure Details prepared by Psenka Architects, Inc., dated 2/22/2023 (Sheet A-6), for Mae Lee Tinker, LLC.

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Berke, Kasper, Hyken, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

Commissioner Sprague moved, seconded by Commissioner Myer to close Docket Nos. 2023-

13B,C,D&E.

On the roll call, the vote was as follows:

AYES: Commissioners Sprague, Myer, Kasper, Hyken, Berke, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

**L) PC Docket No. 23-01
Mae Lee Tinker, LLC
160 W. Hintz Road
Minor Site Plan and Appearance Review for Cannabis Cultivation Center**

Ms. Knysz read the two proposed conditions.

1. The building permit plans shall include a sign detail indicating the installation of a sign on the exterior face of the trash enclosure which reads "Office Waste Only" and "This Area Under 24 Hour Surveillance" or similar language.
2. The petitioner shall place screens to conceal any HVAC equipment that is placed on the exterior of the building. Manufacturer's product specification sheets shall be submitted for review and approval with the permit application.

Commissioner Myer had no questions.

Commissioner Kasper had no questions.

Commissioner Hyken had no questions.

Commissioner Berke had no questions.

Commissioner Riles had no questions.

Commissioner Sprague asked if the trash enclosure would be locked with double gates. Mr. Reddy explained it would have an exterior sliding gate and would be locked from the inside of the building. Commissioner Sprague was pleased with the proposed security.

Chairman Johnson asked about the signage for the office waste. Ms. Knysz explained the proposed signage was used to deter anyone from thinking there was something more important in the trash. There are also security cameras around the building that will be monitored 24 hours a day.

The special waste collection company will be selected.

Commissioner Riles asked about the 24/7 security. Mr. Getty explained it could be done internally or by a third party licensed broker security company. Typically, there will be security people during working hours and then someone in the building monitoring the screens during off hours. They usually utilize a third party security camera vendor that would monitor the site 24 hours a day.

Commissioner Myer moved, seconded by Commissioner Hyken to approve Docket No. PC 23-01, 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, for improvements associated with a cannabis cultivation facility located at 160 W. Hintz Road, in accordance with the Petitioner's Project Description Letter, dated 3/13/2023, Site Plans prepared by Psenka Architects, Inc., dated 3/5/2023 (Sheets A-1 through A-2), Equipment Enclosure Details prepared by Psenka Architects, Inc., dated 2/22/2023 (Sheet A-6), Security Plan prepared by Psenka Architects, Inc. (Sheet A-7), RTU Specification – TRANE Product Catalog (dated September 2022), and CO2 Tank Specification – Chart Industries for Mae Lee Tinker, LLC., Mae Lee Tinker, LLC, with the following conditions:

1. The building permit plans shall include a sign detail indicating the installation of a sign on the exterior face of the trash enclosure which reads "Office Waste Only" and "This Area Under 24 Hour Surveillance" or similar language.
2. The petitioner shall place screens to conceal any HVAC equipment that is placed on the exterior of the building. Manufacturer's product specification sheets shall be submitted for review and approval with the permit application.

On the roll call, the vote was as follows:

AYES: Commissioners Myer, Hyken, Kasper, Berke, Sprague, Riles, Johnson
NAYS: None
ABSENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

8. APPROVAL OF MINUTES

A) Approval of Minutes of the Regular Meeting of February 22, 2023 (Including the Finding of Facts for Docket No's 2023-04 and 2023-05).

Commissioner Sprague moved, seconded by Commissioner Myer to approve the Minutes of the Regular Meetings of February 22, 2023 (Including the Finding of Facts for Docket No.'s 2023-04 and 2023-05).

On the roll call, the vote was as follows:

AYES: Commissioners Sprague, Myer, Kasper, Hyken, Berke, Riles, Johnson
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being seven affirmative votes, the motion was approved.

9. OTHER BUSINESS

Popeye's opened.

Chairman Johnson referred to a concept review that was heard at the recent Board Meeting. Ms. Knysz explained it was for Gas N Wash. It is a gas station with a convenience store on the old Garden Fresh site.

10. ADJOURNMENT

Commissioner Myer moved, seconded by Commissioner Berke to adjourn the meeting at 8:39 p.m. The motion was approved by a voice vote.