
1. CALL TO ORDER

Chairman Ruffatto called the meeting to order at 6:30 p.m. on Thursday, October 25, 2018.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present were Commissioners Blinova, Creech, Johnson, Kalis, Powers and Ruffatto. Commissioner Dorband was absent with prior notice. Also, present were Brooke Casolari, Senior Planner, Steve Robles, Assistant Director of Community Development, Mallory Milluzzi, Village Attorney, Jon Tack, Village Engineer and Mr. Ron Antor, Fire Inspector.

4. CHANGES TO THE AGENDA

Ms. Casolari reported that "Item C" under "Items for Review" will be continued without discussion. The petitioner has asked that it be continued to November 8th.

5. CITIZEN CONCERNS AND COMMENTS - None

6. CONSENT ITEMS

- A) [Docket No. SCBA 18-47](#)
McDonald's
1355 Lake Cook Road
Appearance Approval of Wall Signs

Commissioner Powers moved, seconded by Commissioner Johnson to approve the following consent item.

Approve Docket No. SCBA 18-47 to grant appearance approval of the wall signs, as shown on the following exhibits submitted August 27, 2018 (except as noted) by Identity Services, for McDonald's located at 1355 Lake Cook Road, Wheeling, Illinois:

- Building elevation plans, October 9, 2018 (2 sheets),
- Golden arch sign plans (5 sheets),
- McDonald's wordmark sign plans (2 sheets), and
- Playplace sign plans (3 sheets).

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Powers, Ruffatto
NAYS: None
ABSENT: Commissioners Dorband
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

7. ITEMS FOR REVIEW

- A) [Docket No. 2018-25](#)
Tracy's Bistro
18 W. Dundee Road
Special Use-Site Plan Approval of a Sit-Down Restaurant

See Findings of Fact and Recommendation for Docket No. 2018-25.

Commissioner Kalis moved, seconded by Commissioner Blinova to recommend approval of Docket No. 2018-25, to grant Special Use-Site Plan Approval as required under Chapter 19-06 Commercial Districts, Chapter 19-10 Use Regulations, Chapter 19-12 Site Plan Approval Requirements, and associated sections, to permit a Sit-Down Restaurant in accordance with the following exhibits submitted March 20, 2018 by Tracy's Café, to be located at 18 W. Dundee Road, Wheeling Illinois:

- Cover letter, and
- Floor plan

And with the following conditions of approval:

1. The seating capacity shall not exceed a total of fourteen (14) seats;
2. The hours of operation shall be consistent with liquor licensing;
3. Gaming shall be contingent upon approval of a Class NV liquor license; and
4. An outdoor smoking area with the receptacle shall be designated prior to occupancy.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Kalis, Powers
NAYS: Commissioners Johnson, Ruffatto
ABSENT: Commissioner Dorband
PRESENT: None
ABSTAIN: None

There being four affirmative votes, the motion was approved.

Commissioner Johnson moved, seconded by Commissioner Powers to close Docket No. 2018-25.

The motion was approved by a voice vote.

- B)** [Docket No. 2018-26](#)
 Mini Donut Factory
 1067 Lake Cook Road
 Special Use-Site Plan Approval of a Sit-Down Restaurant

See Findings of Fact and Recommendation for Docket No. 2018-26.

Commissioner Johnson moved, seconded by Commissioner Kalis to recommend approval of Docket No. 2018-26 to grant Special Use-Site Plan Approval as required under Chapter 19-06 Commercial Districts, Chapter 19-10 Use Regulations, Chapter 19-12 Site Plan Approval Requirements, and associated sections, to permit a Sit-Down Restaurant in accordance with the following exhibits submitted September 28, 2018 by Mini Donut Factory, to be located at 1067 Lake Cook Road, Wheeling Illinois:

- Cover letter, and
- Floor plan

And with the following condition of approval:

1. The dry storage and grease basin requirements listed in the Health Officer's review memo, dated October 17, 2018, shall be addressed on the permit plan submittal.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Powers, Ruffatto
NAYS: None
ABSENT: Commissioner Dorband
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

Commissioner Powers moved, seconded by Commissioner Johnson to close Docket No. 2018-26. The motion was approved by a voice vote.

- C)** [Docket No. 2018-23](#) (To be continued without discussion)
 H2O Express Car Wash
 966 S. Milwaukee Avenue
 Special Use-Site Plan Approval of a Car Wash

Commissioner Johnson moved, seconded by Commissioner Creech to continue Docket No. 2018-23 to November 8, 2018.

On the roll call, the vote was as follows:

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AYES: Commissioners Blinova, Creech, Johnson, Kalis, Powers, Ruffatto
NAYS: None
ABSENT: Commissioner Dorband
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

- D)** [Docket No. 2018-24A&B](#) (Continued from October 11, 2018 hearing.)
 Auto Cars Imports
 170 Shepard Avenue
 (2018-24A) Zoning Variation to Reduce the Required Parking
 (2018-24B) Special Use-Site Plan Approval for a Light Motor Vehicle Repair
 Facility

See Findings of Fact and Recommendation for Docket No. 2018-24A&B.

Commissioner Johnson moved, seconded by Commissioner Kalis to recommend approval of Docket No. 2018-24A, granting a variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19.11 General Development Standards, Chapter 19.11 General Development Standards, Section 19.11.010 Off-Street Parking and Loading, Section E Parking Standards, Subsection 1 Minimum Required Parking per Land Use Category, and associated sections, to reduce the required parking for the proposed light motor vehicle repair facility, from forty-two (42) to fourteen (14), which consists of a twenty eight (28) parking stall variation, for Auto Cars Imports, to be located at 170 Shepard Avenue, Wheeling Illinois.

And with the following condition of approval:

1. That the parking variation may be increased by one stall in order to meet the access requirements to the FDC; and
2. The parking variation may be increased if the parking stalls on the east side of the building obstruct exiting or utilities.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Johnson, Powers
NAYS: Commissioners Kalis, Ruffatto, Creech
ABSENT: Commissioners Dorband
PRESENT: None
ABSTAIN: None

There being three affirmative votes, the motion did not pass.

Commissioner Powers moved, seconded by Commissioner Johnson to recommend approval of Docket No. 2018-24B to grant special use-site plan approval for a light motor vehicle repair facility in accordance with the following exhibits submitted by Auto Cars Imports to be located at 170 Shepard Avenue, Wheeling, Illinois:

- Cover letter, August 9, 2018, and
- Site/floor plan, October 15, 2018.

And with the following condition of approval:

1. That the proposed parking stalls on the east side of the building shall be removed if they obstruct exiting or utilities.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Johnson, Powers
NAYS: Commissioners Creech, Kalis, Ruffatto
ABSENT: Commissioner Dorband
PRESENT: None
ABSTAIN: None

There being three affirmative votes, the motion was denied.

Commissioner Johnson moved, seconded by Commissioner Powers to close Docket No. 2018-24A&B. The motion was approved by a voice vote.

The Commission took a break at 7:41 p.m. and reconvened at 7:47 p.m.

8. APPROVAL OF MINUTES – September 13, 2018 (including partial Findings for Docket Nos. 2018-23 and 2018-24), September 20, 2018 and October 11, 2018 (including partial Findings for Docket No. 2018-24)

Commissioner Powers moved, seconded by Commissioner Johnson to approve the minutes dated September 13, 2018 as presented.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Powers, Ruffatto
NAYS: None
ABSENT: Commissioner Dorband
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

Commissioner Powers moved, seconded by Commissioner Johnson to approve the minutes dated September 20, 2018 as presented.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Powers, Ruffatto

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NAYS: None
ABSENT: Commissioner Dorband
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

Commissioner Johnson moved, seconded by Commissioner Blinova to approve the minutes dated October 11, 2018 as corrected. The motion was approved by a voice vote.

On the roll call, the vote was as follows:

AYES: Commissioners Blinova, Creech, Johnson, Kalis, Powers, Ruffatto
NAYS: None
ABSENT: Commissioner Dorband
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

9. OTHER BUSINESS

Ms. Casolari reported there was a field change that Staff had determined was minor enough that could be allowed through the building permit process. The Learning Center in the Town Center was recently approved for a Special Use for child daycare with two different fences approved for the project. The fence surrounding the playground on the west side of the building was illustrated in the photograph and was approved, the petitioner is now requesting that the design and material be changed to a composite material with a cedar texture and semi-transparent. The change has been made and approved by Staff. The new fence is the same height as the original fence.

Commissioner Creech questioned if it had horizontal slats or shadow box, he wanted it to be consistent. Ms. Casolari thought it had vertical boards.

Ms. Casolari provided an update on the Plan Commission holiday schedule. The November 1st meeting has been canceled since there were six meetings back-to-back between October and November. There will be a special meeting on November 8th which will be treated like a normal Plan Commission meeting. There is a workshop with the Village Board scheduled on November 15th regarding the Station Area Plan. Details have not yet been determined. There are meetings on December 6th and 20th. Commissioner Johnson is unavailable on December 6th. Chairman Ruffatto asked the Commission to give advance notice if they could not attend a meeting.

Commissioner Johnson had no comments.

Commissioner Blinova had no comments.

Commissioner Powers referred to the last petition and felt there was a disconnect with how the

variation of 28 was determined. He felt the petitioner was trying to use the property pretty creatively. Ms. Milluzzi explained there were three other tenants that needed parking. Commissioner Powers didn't believe the petitioner would need all of the parking because he was using a lot on the inside for storage. He mentioned that the petitioner probably had 60% of the tenant space. Chairman Ruffatto referred to the Code and that it would set a bad precedent going forward for any type of use that wants to come in and could refer to the approved parking variation of 28. Chairman Ruffatto referred to the Code and Ordinances that the petitioner needs to adhere to and that a variation of 28 would be an issue. Chairman Ruffatto personally doesn't think there is a disconnect and he feels that exceptions can't be made for everything that comes in. Commissioner Johnson believes the indoor storage should somehow be factored in. Chairman Ruffatto reminded the Commission that it was outdoor parking being approved. Ms. Milluzzi explained it was tied to the Standards and how the Commission feels. Commissioner Johnson mentioned that the petitioner testified there were only 8-10 cars a day.

Commissioner Kalis had no comments.

Commissioner Creech had no comments.

Chairman Ruffatto received a number of inquiries about Code enforcement. He mentioned Dundee Dogs and that the excess signs were still there. He expressed a concern about enforcement. He asked for Staff input. Mr. Robles explained that Staff tries to work toward voluntarily compliance by working with the owner/operator after receiving the complaint without having to go through ticket issuance and adjudication. He explained there were operators that were repeat offenders. The approach is to work with them to let them understand the process and regulations of the Code. There are some operators that will continue to receive fines and buck the system. He understands that it appears nothing was being done but there was a lot of behind the scenes work Staff was doing to try to achieve compliance. Staff needs to give them the necessary time to achieve the compliance and they have the right to go through an appeals process/ adjudication process which all takes time.

Commissioner Creech questioned the necessary time. Chairman Ruffatto questioned the process after a call has been made to the hotline. Mr. Robles explained once a complaint is received it was inspected to see if there is a violation. There are times when it may appear there are violations, but everything complies. If the inspector goes out and observes a violation, they will contact the owner/operator to make them aware of the violation and give them a timeframe for compliance. The timeframe varies depending on the violation. If it is something that can be done easily within a week then the inspector may go back on a Monday and return on a Friday to see if it is corrected. They may give them through a weekend if it's a homeowner to take into consideration a work schedule. It varies depending on the type of violation. Ms. Milluzzi explained if the violation hasn't been corrected, a formal citation gets issued. The citation is to appear in an adjudication which is usually two to three weeks out to give them sufficient notice. They may get additional time to come into compliance and if not, it gets closed out with a fine and then if they are still not coming into compliance and they don't appear, they would need to go to Circuit Court in order to enforce it which wouldn't get heard until 35-60 days.

Commissioner Johnson felt the excessive signs at Dundee Dogs could be resolved in about half an hour by removing the signs. He has personally called the compliance hotline. He felt it should be

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a simple fix. Commissioner Johnson feels it is unfair to the other restaurants.

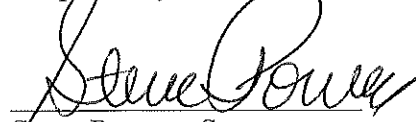
Mr. Robles wanted to let the Plan Commission know that Staff has been in receipt of a concept review request for a proposed Plan Unit Development which will go to the November 5th Village Board meeting. The property is at the northeast corner of Dundee and Northgate Parkway.

Chairman Ruffatto will try to make it to the November 8th meeting but regardless Commissioner Johnson will be the Chairman.

10. ADJOURNMENT

Commissioner Kalis moved, seconded by Commissioner Powers to adjourn the meeting at 8:08 p.m. All were in favor on a unanimous voice vote and the meeting was adjourned.

Respectfully submitted,



Steve Powers, Secretary
Wheeling Plan Commission

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