
1. CALL TO ORDER

Chairman Johnson called the meeting to order at 6:30 p.m. on December 7, 2022.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present were Commissioners Hyken, Kasper, Berke, Sprague, Riles, Myer 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

- A) Docket No. SCBA 22-06
SoundGarden
149 S. Milwaukee Avenue
Appearance Approval to Replace the Sign Faces on an Existing Pole Sign

Commissioner Sprague moved, seconded by Commissioner Myer to approve Docket No. SCBA 22-06 to permit new sign faces (double-sided) to an existing pole (ground) sign for SoundGarden located at 149 S. Milwaukee Avenue, in accordance with the Sign Plan (received by the Village on 10/12/2022).

On the roll call, the vote was as follows:

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

There being seven affirmative votes, the motion was approved.

7. ITEMS FOR REVIEW

- A) Docket No. PC 22-16
240 Larkin Drive

**Request for Minor Site Plan and Appearance Approval for a Roll Up Door,
Dog Enclosure and Shipping Container**

Staff noticed a rollup door and a dog enclosure in the back that had been recently installed. The only concern regarding the dog enclosure was for Fire Department access. There is a storage container in the back which meets all Village requirements except the Fire Department requested they move the storage container to the furthest east location to assist truck maneuvering. The request is for a minor site plan and building appearance approval, so it does not go to the Village Board.

Mr. David Petric had no additional information.

In reply to Commissioner Myer's question, Mr. Petric confirmed the petitioner had not requested the necessary approvals prior to the work.

Commissioner Myer expressed a concern about the dog enclosure since it took up three parking spaces. Mr. Petric explained the building had two areas, one for the storage of cars with very little traffic. He confirmed they were within the parking code and had never had an issue with the parking. There is a machine shop on the other side without any customers.

Commissioner Riles asked about the dog enclosure. Mr. Petric confirmed it was partly for security and also for an area to hold his dogs. Commissioner Riles asked if the fire concerns had been addressed by the petitioner. Mr. Petric did not believe the dogs would be harmful to the firemen and he thought all of the hookups for the Fire Department were located in the front of the building. Mr. Petric did not see the dogs as any problem for the firemen and felt it would be similar to having dogs in a house during a house fire. Ms. Knysz explained the difference was a dog would normally not be expected to be in an industrial building. She suggested adding identification to the door about the dog. Commissioner Riles thought it was important since the dog could be intimidating. He suggested evaluating and making adjustments. Mr. Petric agreed to add any required adequate notices/markings.

Commissioner Sprague asked if the petitioner has had any issues with dogs jumping over the fence. Mr. Petric confirmed there had been no issues. Commissioner Sprague expressed concern that the dark pavement would get hot and could burn the dog's paws. Mr. Petric explained there was a doggy door so the dogs could go in and out. When the dogs are out, the owner is normally outside with them.

In response to Commissioner Sprague's question, Mr. Petric confirmed the dogs were sometimes kept on the property overnight, but never left outside.

In response to Commissioner Berke's question, Mr. Petric confirmed the dogs were never left outside unattended.

In response to Commissioner Berke's question, Mr. Petric confirmed there has never been more than 3 or 4 dogs onsite at the same time.

Commissioner Hyken had no questions.

Commissioner Kasper asked if the storage container was intended to be temporary or permanent. Mr. Petric believed it was intended to be permanent.

In response to Chairman Johnson's question, Mr. Petric confirmed the petitioner stores classic cars in the building. He owns the building and conducts no business at the facility.

Chairman Johnson referred to Commissioner Riles' concern and asked if the Commission wanted signage about the dogs. A poll was taken.

Commissioner Kasper – abstained
Commissioner Hyken – in favor
Commissioner Berke – in favor
Commissioner Sprague – in favor
Commissioner Riles – in favor
Commissioner Myer – in favor

The vote was in favor of including signage regarding having dogs inside the building. Ms. Knysz suggested posting signage outside to identify the presence of dogs. Mr. Petric agreed and will send a picture of the sign to Marcy for review.

Commissioner Sprague wants to make sure the petitioner is aware that in the future he needs to come before the Plan Commission prior to any work being done. Mr. Petric confirmed the owner was now aware of the Village Codes.

Ms. Knysz referred to two proposed conditions and requested removing the second proposed condition since it had already been addressed. The Commission was in agreement.

1. The 25' drive aisle between the north and south parking spots shall not be encroached upon by the dog enclosure or the shipping container.
2. The shipping container shall be located in the furthest east spot on the north side of the parking lot to allow for fire department apparatus to navigate the rear of the building.

Commissioner Berke moved, seconded by Commissioner Hyken, to approve Docket No. PC22-16, granting minor site plan and building appearance approval, as required under Title 19, Zoning, of the Wheeling Municipal Code and Chapter 19-12, for the placement of a roll up door on the south facade and an 18' x 34' dog enclosure and shipping container on the north parking lot, for the property located at 240 Larkin Drive, in accordance with the Site Plan prepared by XRB Construction Services dated 10/24/2022 and Sheet A-1 Roll Up Door Plans prepared by William Warman dated 6/23/2022 (last revised 8/16/22), subject to the following conditions:

1. The 25' drive aisle between the north and south parking spots shall not be encroached upon by the dog enclosure or the shipping container.
2. Signage identifying the presence of dogs shall be posted outside.

On the roll call, the vote was as follows:

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

**Wheeling Plan Commission
Regular Meeting**

December 7, 2022

ABSTAIN: None

There being seven affirmative votes, the motion was approved.

- B)** Docket No. 2022-44
Good Foot Spa
43 Huntington Lane
Request for a Special Use to Operate a Massage Establishment

See Findings of Fact and Recommendation for Docket No. 2022-44.

Commissioner Kasper moved, seconded by Commissioner Berke to recommend approval of Docket No. 2022-44, 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 massage establishment for Good Foot Spa, located at 43 Huntington Lane, in accordance with the Petitioner's Project Description Letter (received by the Village on 6/29/2022) and the Floor Plan (dated 10/3/2022), subject to the following condition:

1. The petitioner shall submit an Application for Business License to the Community Development Department. Upon demonstrating the petitioner and the business operations complies with all requirements of Chapter 4.74 of the Wheeling Municipal Code, a Business License shall be obtained prior to operation of the massage establishment at the subject location.

On the roll call, the vote was as follows:

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

There being seven affirmative votes, the motion was approved.

Commissioner Sprague moved, seconded by Commissioner Myer to close Docket No. 2022-44.

On the roll call, the vote was as follows:

AYES: Commissioners Sprague, Myer, Kasper, Hyken, Berke, Rile, Johnson
NAYS: 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 November 16, 2022,

(including the Findings of Fact for 2022-42).

Commissioner Sprague moved, seconded by Commissioner Myer to approve the Minutes of the Regular Meetings of November 16, 2022 (including the Finding of Fact for 2022-42).

On the roll call, the vote was as follows:

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

There being six affirmative votes, the motion was approved.

9. OTHER BUSINESS

A) 2023 Plan Commission Schedule

The schedule will remain as the second and fourth Wednesdays of each month except for November and December when it shifts because of the holidays. The second meeting in August will be the joint Village Board/Plan Commission meeting.

Chairman Johnson noted the painting at Okay Dispensary/Bakery had started and the sign at Popeyes was installed. There was a ribbon cutting at Savory Plate in Riverside Plaza.

Chairman Johnson mentioned the Jingle and Mingle Holiday Market on Saturday at the Westin from 10:00 am-3:00 pm.

10. ADJOURNMENT

Commissioner Berke moved, seconded by Commissioner Myer to adjourn the meeting at 7:09 p.m. The motion was approved by a voice vote.