

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 6:30 p.m. on October 23, 2024.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present were Commissioners Riles, Kasper, Smart, Sprague, Hyken, Myer and Johnson. Also present were Village Engineer Kyle Goetzelmann, Fire Inspector Bob Niemiec, Village Planner Marcy Knysz, and Village Attorney Mallory Milluzzi.

4. CHANGES TO THE AGENDA - None

5. CITIZEN CONCERNS AND COMMENTS

Leslie Albrecht, 1616 E Canterbury Drive came forward to speak about the Gas N Wash project. She had previously asked the Village if they had received the NFR and the environmental report from Ekkert. She received a response back that the Village had not received the information and that it was not required. She had an issue with that and does not feel the project should go forward without the NFR letter.

Laurie Taylor came forward to express her opinions on the Gas N Wash project.

Brian Manning, Brighton Place, Arlington Heights came forward to speak about the Gas N Wash project. He stated that at previous meetings they were told the site would be remediated before construction would begin and documentation has not been provided. He asked that further approval be delayed until the necessary approvals are received.

Craig Horwitz, 883 Stonebridge Lane, Buffalo Grove came forward to speak about the Gas N Wash project. He provided a handout to the PC. He talked about the EPA violations. He requested the Plan Commission to not approve anything or give any other permits until they remediation letter is on file and approved.

Ann Marie Lundstrom, 2644 N Waterman, Arlington Heights came forward to speak about the Gas N Wash project. She mentioned that the area was now classified as a "blighted area" and asked if the residential property owners would get a tax reduction because of the status. She requested that no construction be started until the NFR letter was signed. She also asked why the liquor store PIN was being combined. She would like to see the property just grass and flowers.

Karen Doran, Arlington Heights resident came forward to speak about the Gas N Wash project. She believes the surrounding residents have the right to see the NFR letter before the project moves further along. She wants to have a response to the question about the NRF letter and how to get it. She does not want any construction to being until they know what is under the ground.

Gary Doran, 1533 E. Fleming Drive, Arlington Heights resident came forward to speak about Gas N Wash. He would like to put a damper on the project until they know what is going on.

Nancy Litwin, 3210 Volz Road came forward to speak about the Gas N Wash project. She requested that the Plan Commission listen to the people that are worried about what is going on

with the lot.

6. CONSENT ITEMS - None

7. ITEMS FOR REVIEW

**A. Docket No. PV24-0011
157 W. Jeffery Avenue
Request for a Variation to Reduce the Minimum Front Yard Setback Along
W. Jeffery Avenue from 25 Feet to 9 Feet for the Installation of a 6 Foot Tall
Fence
PUBLIC HEARING**

See Findings of Fact and Recommendation for Docket No. PV24-0011.

Commissioner Smart moved, seconded by Commissioner Hyken to approve Docket No. PV24-0011 granting a variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19.04.050 R-3A Single-Family Residential District and associated sections, to reduce the minimum required building setback from the north side property line from 25 feet to 9 feet associated with the construction of a 6' tall wood fence, located at 157 West Jeffery Avenue, in accordance with the Plat of Survey provided by the petitioner and subject to the following:

1. 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 fence.
2. The proposed fence shall be angled where it abuts the neighbor to the east as approved by Village Staff.
3. The bush on the north side of the property shall be removed.

On the roll call, the vote was as follows:

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

There being seven affirmative votes, the motion was approved.

Commissioner Hyken moved, seconded by Commissioner Myer to close Docket No. PV24-0011.
On the roll call, the vote was as follows:

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

There being seven affirmative votes, the motion was approved.

**B. Docket No. PSPMIN24-0037
Crystal Rain Distillery
2281 Foster Avenue
Request for Minor Appearance Approval to Modify the Building Façade**

Ms. Knysz explained that the petitioner (property owner) is seeking building appearance approval for changes to the exterior building façade to the existing industrial building located at 2281 Foster Avenue. The front (southwest) façade of the industrial building was recently painted a combination of light and dark grey colors as shown in the PowerPoint presentation. The petitioner is also requesting approval to replace the two entrance doors on the front (southwest façade) of the building. The remaining three sides of the building will not be painted. The petitioner completed the exterior painting prior to seeking Village approval, which upon staff notifying the petitioner, stopped any further work until receiving Commission authorization.

Commissioner Sprague reminded the petitioner to obtain permits in the future.

Chairman Johnson reminded the petitioner to put the street address back up.

There were no questions from the Plan Commission.

Commissioner Hyken moved, seconded by Commissioner Myer to approve Docket No. PSPMIN24-0037, granting minor building appearance approval as required under Title 19, Zoning, of the Wheeling Municipal Code and Chapter 19-12, to modify the building façade, for the property located at 2281 Foster Avenue, in accordance with the Petitioner's Project Description Letter prepared by Kristian Hristov dated 10/7/2024 and the Paint Sample Exhibit, and subject to the following condition:

1. A Wheeling Building Permit shall be applied for and secured from the Community Development Department prior to installation of the front doors.

On the roll call, the vote was as follows:

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

There being seven affirmative votes, the motion was approved.

**C. Docket No. PSU24-0023
Smith Family Developers
70 Prairie Park Drive
Request to Modify the Approved Landscape Plans of the Prairie Park
Condominium Final Planned Unit Development for The Villas at Prairie
Park Townhomes**

Ms. Knysz explained that Smith Family Developers was seeking an amendment to the approved Prairie Park Condominium Planned Unit Development to modify the approved Final Landscape plans for The Villas Townhouse Development. The petitioner was requesting to not install 11 dwarf snippet lime weigela plants along the north property line, which were proposed to delineate the edge of the property from the abutting diversion channel to the north and provide screening for the property owners facing the north property line. The request also included, although not stated in the request letter, a request to not install the 3'-wide gravel path and edging strip that was also shown on the approved Landscape Plan. The stated reason for not installing the plants was that following completion of construction there was not sufficient room to install these landscaping items.

Mr. Jamie Smith came forward to present the project. Mr. Smith stated that the property line was 8' from the foundations and there was only 7.5 feet from the west end unit and reduced to below 7 feet as you move east. There is a 3:1 slope in the area and the plants will not survive on that kind of slope. He further stated that there was also an issue with mowing around the bushes and there was less than 3 feet of clearance from the back for the building. He stated that any egress would be prevented if the weigelas were planted. Safety, maintenance and viability of the plants were the reasons for the request.

Commissioner Sprague moved, seconded by Commissioner Kasper to approve PSU24-0023, granting Special Use approval to amend the Prairie Park Condominium Planned Unit Development, granted by Ordinance No. 3721, amended by Ordinance No. 4552, and further amended by Ordinance No. 5442, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-09 Planned Unit Developments, and associated sections to amend the approved Landscape plans of the Prairie Park Condominium Final Planned Unit Development for the Villas at Prairie Park townhomes to allow the developer to not install the required landscaping and path along the north property line.

On the roll call, the vote was as follows:

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

There being seven affirmative votes, the motion was approved.

**D. Docket No. PV24-0010
Ala-Carte Entertainment
365 W. Dundee Road
Request for a Variation to Permit a Wall Sign on a Facade Without Street
Frontage or Being Adjacent to an Off-Street Parking Area
PUBLIC HEARING**

Commissioner Kasper stepped away during the hearing at 7:42 P.M.

See Findings of Fact and Recommendation for Docket No. PV24-0010.

Commissioner Smart moved, seconded by Commissioner Myer to approve Docket No. PV24-0010, granting a variation from Title 21, Signs, of the Wheeling Municipal Code, Chapter 21.4 Wall-Mounted Signs, and associated sections, to permit a wall sign on the west façade without street frontage or being adjacent to an off-street parking area in accordance with the Elevations prepared by Ar-K-Teks Unlimited, LTD, Sheet A-2, dated 9/5/2024, for the property located at 365 W. Dundee Road, Wheeling, Illinois, subject to the following condition:

1. A Wheeling Sign Permit shall be applied for and received prior to the installation of all exterior signage, except for signage pursuant to Chapter 21.6 of the Wheeling Sign Code.

On the roll call, the vote was as follows:

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

There being six affirmative votes, the motion was approved.

Commissioner Sprague moved, seconded by Commissioner Smart to close Docket No. PV24-0010.

On the roll call, the vote was as follows:

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

There being six affirmative votes, the motion was approved.

**E. Docket No. PPUD23-0004
Lenny's Gas N Wash Hintz Road & Old Buffalo Grove Road, LLC
1750 & 1798 W. Hintz Road
Request for Final Planned Unit Development to Permit the Operation of a Gas
Station with Convenience Store, and Drive-Through Restaurant**

Commissioner Kasper returned to the meeting at 7:44 P.M.

Ms. Knysz provided an overview of the project. Lenny's Gas N Wash Hintz Rd & Old Buffalo Grove Road, LLC (property owner) 8200 W. 185th Street, Unit K, Tinley Park, Illinois 60487, is seeking Special Use Approval for Final Planned Unit Development (PUD) approval to permit the operation of a gas station with convenience store, and drive-through restaurant, for the properties commonly addressed as 1750 & 1798 W. Hintz Road. Ms. Knysz explained the two minor changes which were the 10' right-of-way dedication along Old Buffalo Grove Road and the reduction in all canopy heights to a maximum of 16 feet.

Christian Kalischefski, WT Group, came forward to give a presentation. He explained that even with the 10 foot right-of-way dedication they are still over the minimum landscape requirement of 25% and are a fraction of the Floor Area Ratio that is allowed. He addressed the separate environmental company that is making submittals to the state. He stated that anything they excavate has to be inspected by an inspector on the site and if it is contaminated, it will need to go to a special waste site. He stated that the ground will be cleaned and will be cleaner than it is today. Gas N Wash has not contaminated the soil, it was the previous owners.

Commissioner Hyken asked a question about the monument sign at the southeast corner. Mr. Kalischefski confirmed the sign was 10 feet tall and would not be an obstruction to westbound traffic due to it being setback from the street.

Commissioner Smart asked the petitioner to address the NFR letter. Mr. Alex Kugar from Gas N Wash came forward to address Commissioner Smart's question. He read from a letter prepared by Caroline Ekkert from Ekkert Environmental Firm. Mr. Kugar also stated that Gas N Wash does not have any EPA issues and that all of the issues are from the prior operators not related to Gas N Wash. Ekkert Environmental has been working on remediating the site for over a year. All of the remediation work is complete per the email from Caroline. They needed to wait for the Groundwater Ordinance from the Village to submit for the NFR letter to the EPA. They received that Ordinance on Monday and Ekkert will be submitting the request to EPA by the end of this month. The EPA will have 60 days to review and issue the NFR letter. All of the leg work has been done to remediate the site. The underground storage tank that was leaking has already been removed. In response to Commissioner Smart's question, Mr. Kugar stated that the EPA has 60 days to review and issue the draft NFR letter, so they anticipate it will be issued by the end of this year or early next year 2025 per Caroline.

Commissioner Sprague asked what the next steps were for the NFR. Mr. Kugar stated that they needed the Groundwater Ordinance to submit the final request to the EPA and they received that on Monday. The EPA has 60 days to review and issue once it has been submitted. Commissioner Sprague asked what happens if the EPA denies it. Mr. Kugar stated that there has already been communication with the EPA per the email with Caroline and they have been going back and forth already and that is why Ekkert Environmental feels confident that they will be able to proceed.

In response to Commissioner Sprague's question, Ms. Knysz stated that Village permits could not be issued until all other approvals are received. Mr. Goetzelmann stated that the Groundwater Ordinance should be the last item that they need to receive the NFR letter.

Commissioner Kasper responded to one of the citizen concerns that nobody on the Plan Commission or Village Board listened. He stated that they all sat there for over ten hours over two nights and nobody dictates to the Plan Commission or anyone on this Commission what to do.

In response to Commissioner Myer's question related to safety, Mr. Kugar stated that they have an independent firm that specializes in this and will have to get the NFR for final occupancy. They have been working on remediation since May and would like to proceed knowing that they cannot open the doors until they receive the Final NFR.

Commissioner Riles did not have any questions.

Chairman Johnson did not have any questions.

Attorney Milluzzi stated that the Plan Commission could add a condition about getting the NFR before receiving Village permits.

There was some discussion regarding how to word a proposed condition among the Plan Commissioners. Mr. Goetzelmann stated that they could require the NFR before they issue the Engineering Permit to satisfy the needs of the residents. He further stated the permit that has been issued so far was the demolition permit, which included the removal of the building, but no underground digging. Asphalt had been removed as well as the foundation, but no grading had been approved or conducted to date. Mr. Kugar requested that the NFR letter be tied to the occupancy approval. Mr. Goetzelmann stated that maybe there was a middle ground they could agree on such as submittal of soil reports that show the remediation had been resolved and contaminants had been removed.

Ms. Knysz read the proposed conditions:

1. The Final PUD documents shall be revised as follows prior to review and consideration by the Village Board:
 - a. The property line on the Site Plan and Sign Plan shall be adjusted in the southwest corner to account for the angled right-of-way dedication. The location of the proposed ground sign will need to be shifted to meet the minimum 10' setback.
2. The Irrigation Plan shall be updated to reflect the right-of-way dedication and will be confirmed at permitting.
3. Overnight customer parking on the site is prohibited. Overnight parking for this site means the parking of a vehicle in one spot continuously for a period of a time exceeding four hours at a time during the hours of 10 PM to 4 AM the following day. This excludes employee parking.
4. There shall be no diesel fuel operations of any kind between the hours of 10 PM to 4 AM the following day.
5. Soil remediation reports confirming that the site has been remediated shall be reviewed and approved by the Village Engineering Department prior to the issuance of any Village Permits.
6. The "No Further Remediation" (NFR) letter from the Illinois Environmental Protection Agency (IEPA) shall be received by the Village prior to issuance of the Temporary Certificate of Occupancy.

Commissioner Sprague moved, seconded by Commissioner Myer to approve Docket No. PPUD23-0004 granting Special Use Approval for a Final Planned Unit Development (PUD) pursuant to Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations and associated sections, for a gas station with convenience store, and drive-through restaurant, for the properties commonly addressed as 1750 & 1798 W. Hintz, for Lenny's Gas N Wash Hintz Rd & Old Buffalo Grove Road, LLC, in accordance with the submitted Final Gas N Wash PUD plans, subject to the following conditions:

1. The Final PUD documents shall be revised as follows prior to review and consideration by

the Village Board:

- a. The property line on the Site Plan and Sign Plan shall be adjusted in the southwest corner to account for the angled right-of-way dedication. The location of the proposed ground sign will need to be shifted to meet the minimum 10' setback.
2. The Irrigation Plan shall be updated to reflect the right-of-way dedication and will be confirmed at permitting.
3. Overnight customer parking on the site is prohibited. Overnight parking for this site means the parking of a vehicle in one spot continuously for a period of a time exceeding four hours at a time during the hours of 10 PM to 4 AM the following day. This excludes employee parking.
4. There shall be no diesel fuel operations of any kind between the hours of 10 PM to 4 AM the following day.
5. Soil remediation reports confirming that the site has been remediated shall be reviewed and approved by the Village Engineering Department prior to the issuance of any Village Permits.
6. The "No Further Remediation" (NFR) letter from the Illinois Environmental Protection Agency (IEPA) shall be received by the Village prior to issuance of the Temporary Certificate of Occupancy.

On the roll call, the vote was as follows:

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

There being six affirmative votes, the motion was approved.

**F. Docket No. PSUBFP24-0005
Lenny's Gas N Wash Hintz Road & Old Buffalo Grove Road, LLC
1750 & 1798 W. Hintz Road
Request for Final Plat Approval for the Final Plat of Gas N Wash - A Planned
Unit Development Subdivision**

Ms. Knysz addressed the comment brought up during the public comment about PIN numbers. She stated that PIN numbers refer to the lots and not the businesses. The proposed development currently consists of two lots, which would be consolidated into one lot (with one PIN number) after development, as required by the Village. The PIN number for the new lot would be assigned by Cook County after the Plat is recorded.

The petitioner, Lenny's Gas N Wash Hintz Rd. & Old Buffalo Grove Rd., LLC, is requesting approval of the Final Plat of Gas N Wash – A Planned Unit Development Subdivision to consolidate the existing parcels that comprise the subject site associated with the proposed Final Planned Unit Development (PUD) at the northeast corner of Hintz Road and Old Buffalo Grove

Road (1750 & 1798 W. Hintz Road), which are zoned B-3, General Commercial and Office.

Commissioner Myer moved, seconded by Commissioner Riles to approve Docket No. PSUBFP24-005, granting Final Plat Approval under Title 17, Planning Subdivisions and Developments as shown on the Final Plat of Gas N Wash – A Planned Unit Development Subdivision, prepared by MG2A, last revised 10/8/2024, for the property located at 1750 & 1798 W. Hintz Road, Wheeling, Illinois, subject to the following conditions:

1. The County Collector's certificate shall be added.
2. Update the Village Assessment Certificate to the Village Collector Certificate per Village standards.
3. School District Certificate should include School District 214 in addition to School District 21.

On the roll call, the vote was as follows:

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

There being seven affirmative votes, the motion was approved.

8. APPROVAL OF MINUTES

Commissioner Sprague moved, seconded by Commission Hyken, to approve Minutes of the Regular Meeting of October 9, 2024 (including the Finding of Fact for Docket No's. PSU24-0020, PV24-0015, PV24-0016 & PV24-0017).

On the roll call, the vote was as follows:

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

There being six affirmative votes, the motion was approved.

9. OTHER BUSINESS

10. ADJOURNMENT

Commissioner Smart moved, seconded by Commissioner Sprague to adjourn the meeting at 8:17 p.m. The motion was approved by a voice vote.