

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 6:30 p.m. on December 18, 2024.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. CHANGES TO THE AGENDA - None

5. CITIZEN CONCERNS AND COMMENTS - None

6. CONSENT ITEMS - None

7. ITEMS FOR REVIEW

A. Docket No. PSPMIN24-0036

1430 S. Wolf Road

Request for Minor Site Plan and Appearance Approval to Construct a New Outdoor Security Facility and Associated Improvements for FedEx

Ms. Knysz explained that the petitioner submitted a letter to the Village requesting the Docket be tabled and continued until the January 8, 2024 Plan commission meeting.

Commissioner Smart moved, seconded by Commissioner Myer to continue Docket No. PSPMIN24-0036 to the January 8, 2024 Plan Commission Meeting.

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. PSU24-0026

1470 S. Wolf Road

Request for Special Use Approval to Amend the Special Use for a Recreation and Instruction Facility, granted by Ordinance No. 5642, for FROG Pickleball, LLC

Ms. Knysz stated that the petitioner, FROG Pickleball, LLC, was requesting an amendment to their approved special use to modify the approved hours of operation from 7:00AM – 11:00PM to permit 24 hours a day. Since the proposed request departs from the hours of operation stated in the original special use approved by Ordinance No. 5642 at the March 4, 2024 Village Board, the request constitutes a special use revision. Such revisions to an approved Special Use do not require a public hearing by the Plan Commission; however, the Commission reviews the changes and makes a recommendation to be transmitted to the Board of Trustees for final action.

Mr. Sunny Shi, business owner, came forward and gave a PowerPoint presentation about the proposed request. He explained they will have a two door lock system, motion sensor lights for the courts, and a security camera system that he believes will work well with 24-7 operations. The door locks would be integrated with a court reservation system application. The security system would have an alert that would notify the owner whenever someone enters the building.

Commissioner Hyken asked how long someone could stay in the facility after they were done playing. Mr. Shi stated they could stay as long as they wanted because they have no enforcement, because they have no attendant on duty. Most of the time they would not have an attendant. In response to Commissioner Hyken's question, Mr. Shi stated that if someone gets injured, they would have first aid kits available next to the courts and the patrons would be responsible for calling 911 themselves. There was a question about the demand for playing in the middle of the night. The petitioner stated that he was not sure because they have not opened yet. They are planning to open this Saturday, December 21, 2024. Right now the hours of operation at 7AM – 11PM.

Commissioner Smart asked if the petitioner had any indication if people wanted to play during the middle of the night. The petitioner stated that he did have some interest from people. Commissioner Smart was concerned that notice was not required to go out to adjacent properties for the modification to the special use. In response to Commissioner Smart's question, Mr. Shi stated that at first they were not aware of the technology that would allow them to be open 24 hours without an attendant. Mr. Shi stated that you have to be a member of his Pickleball Club in order to get a reservation and also sign a waiver.

Commissioner Sprague asked if there were membership dues or fees. Mr. Shi stated there were monthly fees and then fees to rent the court. How will he prevent piggy backing into the facility? Mr. Shi stated they will use the security monitors and they will know who scanned their badge to find out who did not play. Mr. Shi did not know of a way to enforce this but he plans to go back to the person that made the reservation for the court. That person will be responsible for the fees. He hopes the people who come are good people that just want to come and play pickleball. They will set up an alert in the camera system to notify them if a lot of people come in during the night.

Commissioner Kasper noted that he does see a lot of people going to gyms late at night. In response to Commissioner Kasper's question, Mr. Shi stated that first responders would access the building during an emergency using the Knox box.

Commissioner Myer expressed concerns about people being non-compliant and there not being anyone to enforce the rules during the night and no one actively monitoring the security cameras. Commissioner Myer was concerned for the business as well as the community. Commissioner Myer wished the petitioner success.

Commissioner Riles asked the petitioner if he has seen a trend or has any data to make the switch to 24 hours before he has even opened. Mr. Shi stated that there are other health clubs that are open 24 hours a day. Commissioner Riles responded that working out is different than pickleball or basketball. He suggested opening with the proposed hours, evaluating the growth of his business, and then extend to 24 hours and look into how to better operate during additional hours. In response to Commissioner Riles question, Mr. Shi stated that there is also a type of membership called a "Visitor" membership. There is no fee for a "Visitor" membership, but the court fee is more expensive.

Chairman Johnson stated he concurs with Commissioner Riles and agrees the petitioner should start out with the original hours of operation and see how trustworthy his clients are before opening 24-7. It could be dangerous to his business.

Commissioner Smart inquired about an additional request for an amendment to the hours of operation for this business and if it would require a public notice. Ms. Milluzzi stated that it would not require a public notice.

Commissioner Hyken asked if there was a "no" vote, would the business only be able to be open from 7AM – 11PM. Ms. Knysz responded that yes, that was correct. Commissioner Hyken suggested to align the operating hours with similar businesses from 5AM-12AM.

Ms. Knysz asked the petitioner if the building would be staffed if the hours were 5AM to 12AM. Mr. Shi responded that even during 7AM-11PM, they may not always have staff present.

Chairman Johnson polled the Plan Commission regarding changing the proposed hours of operation from 7AM-11PM to 5AM – 12AM. Commissioner Smart and Kasper were not in favor of the recommendation. The other Plan Commissioners were in support of the change in hours from 5AM-12AM. However, Commission Riles stated that he would support the 24-7 proposal if there were a physical person there all the time. Mr. Shi stated that at this time maybe 24 hours a day is not feasible and 5AM -12AM is what he is asking for. Mr. Shi clarified that staff would not be present during all operating hours.

Ms. Milluzzi clarified that the Village Code does not have a requirement for a public notice for an amendment to a Special Use regardless of the timing for when the petitioner returns to ask for the amendment. The Plan Commission could ask the petitioner to request a continuance and have the petitioner voluntarily notify the adjacent property owners.

Ms. Knysz read the proposed revised motion and condition:

Request to amend the Special Use for a Recreation and Instruction Facility, granted by Ordinance No. 5642, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, to amend the Cover Letter for FROG Pickleball, LLC to modify the hours of operation from 7AM – 11PM to 5AM - Midnight.

1. A revised cover letter shall be submitted prior to appearance before the Village Board.

Commissioner Myer moved, seconded by Commissioner Sprague to recommend approval of Docket No. PSU24-0026, granting Special Use approval to amend the Special Use for a Recreation and Instruction Facility, granted by Ordinance No. 5642, as required under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, and associated sections, to amend the Cover Letter for FROG Pickleball, LLC to modify the hours of operation from 7AM – 11PM to 5AM - Midnight.

1. A revised cover letter shall be submitted prior to appearance before the Village Board.

On the roll call, the vote was as follows:

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

There being six 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 December 4, 2024 (including the Finding of Fact for Docket No. PSU24-0025).

On the roll call, the vote was as follows:

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

There being seven affirmative votes, the motion was approved.

9. OTHER BUSINESS - None

10. ADJOURNMENT

Commissioner Smart moved, seconded by Commissioner Myer to adjourn the meeting at 7:08 p.m.
The motion was approved by a voice vote.