



City of Wilmington - 1165 South Water Street - Wilmington, IL 60481

**Agenda – Planning & Zoning Commission  
Wilmington City Hall Council Chamber  
September 12, 2022 at 5:00 p.m.  
In-Person & Via Zoom**

join by video at:

<https://us02web.zoom.us/j/86737492480?pwd=VmtYQ1FYcVJjUWJNRnJpc3FmRDBMUT09>

join by phone at:

1-312-626- 6799

Meeting ID: 867 3749 2480 / Passcode: 396642

IN ACCORDANCE WITH PUBLIC ACT 101-0640, 5 ILCS 120/7(e), THIS MEETING WILL BE HELD IN-PERSON AND REMOTELY BASED ON THE GUBERNATORIAL DISASTER DECLARATION AND THE MAYOR OF THE CITY OF WILMINGTON DETERMINING THAT A FULL IN-PERSON MEETING IS NOT PRACTICAL OR PRUDENT. MEMBERS OF THE GENERAL PUBLIC WILL BE ABLE TO VIEW AND PARTICIPATE IN THE MEETINGS REMOTELY AS WELL.

1. Call Meeting to Order
2. Roll Call by Clerk  
Larry Clennon                      Chris Smith  
John Tryner                              Jayson Walinski  
Bryan Humphries                      Mark Duffy  
Ivana Longest
3. Approve the Previous Meeting Minutes
4. Public Hearing to Consider Request by Petitioner 85 Wilmington LLC, 2500 S. Highland Ave., Suite 103, Lombard IL 60148 and contract purchaser, Walrus CC LLC, 5275 Mount Vernon Way, Dunwoody, GA 30338 for a Planned Unit Development and Plat of Subdivision per Wilmington's Code of Ordinances Chapter 150, Article 6 be designated for the development of approximately 85 acres as described below. Further under the proposed PUD, the purchaser, Walrus CC LLC on Phase 1, approximately thirty (30) acres of property located on the southeast corner of E Kankakee River Drive and HWY 53 in the City of Wilmington, and as described below shall be allowed to depart from section 150.64(D)(5) and will be allowed to construct a building on Phase 1 of the site at a building height of 100 feet, shall be allowed to depart from section 150.81(D) of which its 30 acres shall not have official ROW frontage, and shall be allowed to depart from section 152.102 allowing utilities serving the site not to be run through existing ROWs
  - a. Introduction to Petition
  - b. Open Public Hearing
  - c. Verification of Notice & Publication
  - d. City Staff Summary
  - e. Oath Issued
  - f. Petitioner's Presentation
  - g. Commissioner Clarification
  - h. Public Comment
  - i. Petitioner Response
  - j. Close Public Hearing
  - k. Motion to take action
5. Public Hearing to Consider a text amendment to chapter 150 – a zoning ordinance of the City of Wilmington code of ordinances to include procedures that allow for the City of Wilmington to designate official historic landmarks within the City of Wilmington on public and private property and to provide for regulations of such historic landmarks, including the prohibition to construct, move, alter, change, make an addition to, make any

*Posting Date:  
9/9/2022 8:37 AM jz*

improvement to, add structures or buildings on a lot or tract with a designated historical landmark, demolish or remove the exterior or any aspect of the exterior of any designated historic landmark

- a. Introduction to Petition
- b. Open Public Hearing
- c. Verification of Notice & Publication
- d. City Staff Summary
- e. Commissioner Clarification
- f. Public Comment
- g. Close Public Hearing
- h. Motion to take action

6. Public Comment (*State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01*)

7. Other Pertinent Information

8. Adjournment

**Minutes to the City of Wilmington**  
**Planning and Zoning Commission Meeting**  
Wilmington City Hall  
1165 South Water Street  
Thursday, June 2, 2022, at 5:00 PM

**Call to Order**

The June 2, 2022 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:05 p.m. by Chairman Bryan Humphries

**Roll Call**

Upon Roll Call by the Clerk the following members answered “Here” or “Present”:

**Commissioners Present**      Smith, Duffy, Longest, Walinski, Humphries

**Commissioners Absent**      Clennon, Tryner

**Quorum**

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

**Other Officials in Attendance**

Also, in attendance were City Administrator Jeannine Smith, City Attorney Bryan Wellner, and Deputy City Clerk Joie Ziller

**Approve the Previous Meeting Minutes**

Commissioner Smith made a motion and Commissioner Longest seconded to approve the April 7, 2022 meeting minutes and have them placed on file.

Upon roll call, the vote was:

**AYES:**      5    Smith, Longest, Walinski, Duffy, Humphries

**NAYS:**      0

**ABSENT**    2    Clennon, Tryner

Motion passed.

**P&Z Commissioner In-Service Training**

Attorney Wellner gave his presentation on Planning & Zoning Commissioner Training. In addition, each Commissioner was provided with the current edition of the Illinois Municipal League Zoning Handbook.

**Public Comment**

No public comment was made.

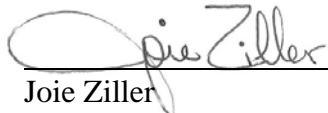
**Other Pertinent Information**

City Administrator Smith stated that the Commission will have a couple of new petitions to review at a future meeting, one being Love's Travel Stop and the other Agile Cold Storage which is in the process of revamping its site plan.

**Adjournment**

A motion to adjourn the meeting was made by Commissioner Duffy and seconded by Commissioner Smith. Upon voice vote, the motion was carried. The Wilmington Planning & Zoning meeting held on June 2, 2022, adjourned at 6:49 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joie Ziller". The signature is written in black ink and is positioned above a horizontal line.

Joie Ziller  
Deputy City Clerk



CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS } Ss.  
County of Will,

Certificate of the Publisher

**Free Press Newspapers** certifies that it is the publisher of the The Free Press Advocate

The Free Press Advocate is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of Wilmington, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5. A notice, relating to the matter of:

**Wilmington to hold hearing for 85-acre PUD on E. Kankakee River Drive**

a true copy of which is attached, was published one times in The Free Press Advocate, namely one time per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on August 24, 2022, and the last publication of the notice was made in the newspaper dated and published on August 24, 2022. This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1. In witness, the Free Press Advocate has signed this certificate by **Eric D Fisher**, its publisher, at Wilmington, Illinois, on August 24, 2022.

**Free Press Newspapers**

By Eric D. Fisher, Publisher  
Eric D. Fisher

Printer's Fee \$ 196.80

Given under my hand on August 24, 2022

Janet M. Fisher

Janet M. Fisher, Notary Public



**Wilmington to hold hearing for 85-acre PUD on E. Kankakee River Drive**

**PUBLIC NOTICE**

**NOTICE OF PUBLIC HEARING**

**Planning and Zoning Commission of the City of Wilmington, IL**

NOTICE IS HEREBY GIVEN that, on September 12, 2022 at 5:00 p.m. a public hearing will be held by the Planning and Zoning Commission of the City of Wilmington at City Hall located at 1165 S. Water Street, Wilmington, IL for the purpose of receiving and considering testimony and public comment on the request of petitioner 85 Wilmington LLC, 2500 S. Highland Ave., Suite 103, Lombard IL 60148 and contract purchaser, Walrus CC LLC, 5275 Mount Vernon Way, Dunwoody, GA 30338 for a Planned Unit Development and Plat of Subdivision per Wilmington's Code of Ordinances Chapter 150, Article 6 be designated for the development of approximately 85 acres as described below. Further under the proposed PUD, the purchaser, Walrus CC LLC on Phase 1, approximately thirty (30) acres of property located on the southeast corner of E Kankakee River Drive and HWY 53 in the City of Wilmington, and as described below shall be allowed to depart from section 150.64(D)(5) and will be allowed to construct a building on Phase 1 of the site at a building height of 100 feet, shall be allowed to depart from section 150.81(D) of which its 30 acres shall not have official ROW frontage, and shall be allowed to depart from section 152.102 allowing utilities serving the site not to be run through existing ROWs.

**LEGAL DESCRIPTION**

THAT PART OF THE NORTHEAST QUARTER AND ALSO THAT PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE WEST 590.00 FEET OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00 DEGREES 41 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF THE WEST 590.00 FEET OF SAID NORTHEAST QUARTER, 1214.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 41 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF THE WEST 590.00 FEET OF SAID NORTHEAST QUARTER AND ALSO ALONG THE EAST LINE OF THE WEST 590.00 FEET OF SAID SOUTHEAST QUARTER, 1685.67 FEET TO A POINT ON THE CENTERLINE OF FORKED CREEK; THENCE SOUTH 82 DEGREES 51 MINUTES 09 SECONDS EAST ALONG THE CENTERLINE OF SAID CREEK, 290.10 FEET; THENCE SOUTH 74 DEGREES 50 MINUTES 44 SECONDS EAST ALONG THE CENTERLINE OF SAID CREEK, 240.69 FEET; THENCE SOUTH 50 DEGREES 04 MINUTES 43 SECONDS EAST ALONG THE CENTERLINE OF SAID CREEK, 189.97 FEET; THENCE SOUTH 21 DEGREES 56 MINUTES 44 SECONDS EAST ALONG THE CENTERLINE OF SAID CREEK, 231.21 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF IL ROUTE 53 PER DOCUMENT NO. 905677 AND PER DOCUMENT NO. 341279; THENCE NORTH 67 DEGREES 14 MINUTES 00 SECONDS EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE, 1060.00 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, SAID LINE BEING A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 347.12 FEET AND AN ARC LENGTH OF 425.00 FEET TO A POINT OF TANGENCY ON THE WEST RIGHT OF WAY LINE OF SAID ROUTE NO. 53; THENCE NORTH 00 DEGREES 07 MINUTES 24 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE, 1517.95 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 1144.76 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 134.20 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 790.05 FEET TO THE POINT OF BEGINNING, IN WILL COUNTY, ILLINOIS.

PIN #03-17-25-200-011-0000

**PHASE 1 LEGAL DESCRIPTION**

PART OF NE 1/4 AND PART OF SE 1/4 OF SECTION 25 TOWNSHIP 33 N, RANGE 9 E OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS: COMMENCING AT NE CORNER OF W 590.00 FT OF NE 1/4 OF SAID SECTION. THENCE S OOD 41M 20S ALONG E LINE OF W 590.00 FT OF SAID NE 1/4 AND NE 1/4, 1214.33 FT TO POB; THENCE S OOD 41M 20S W 1356.36 FT TO A POINT ON WESTERLY LINE OF PARCEL DESCRIBED AS 901 KANKAKEE RD, CALCULATED NOT DESCRIBED; THENCE S 90D OOM OOS E 974.79 FT TO A POINT ALONG THE CENTERLINE OF SAID PARCEL CALCULATED NOT DESCRIBED; THENCE N OOD 07M 24S W 1490.36 FT TO A POINT ALONG THE NORTHERLY LINE OF SAID PARCEL CALCULATED NOT DESCRIBED; THENCE S 90D OOM OOS W 165.20 FT ALONG SAID NORTHERLY LINE OF SAID PARCEL; THENCE S OOD OOM OOS W 134.20 FT ALONG NORTHERLY LINE OF SAID PARCEL; THENCE N 90D OOM OOS W TO POB. AREA 30.56 ACRES WITH A CLOSURE ERROR OF +/- 0.11 FT

PART OF PIN #03-17-25-200-011-0000

All persons interested in attending are invited to do so and will be given an opportunity to be heard. Pursuant to Section 7(e) of the Illinois Open Meetings Act, 5 ILCS 120/7(e), and guidance provided by legal counsel, the City of Wilmington may conduct all or portions of this meeting by use of telephonic or electronic means without a physical quorum present in the boardroom. Public access to this meeting is available as follows:

Join Zoom meeting by video: <https://us02web.zoom.us/j/86737492480?pwd=VmtYQ1FYcVJlUWJlRnJpc3FmRDBMUT09>  
Join Zoom meeting by phone:  
1 312 626 6799 US (Chicago)  
Meeting ID: 867 3749 2480  
Passcode: 396642

All persons interested in attending are invited to do so and will be given an opportunity to be heard. Additional information on such application can be obtained from the City of Wilmington Zoning Administrator at 1165 S. Water Street, Wilmington, IL (815) 476-2175.

City of Wilmington  
Will County, Illinois

Published in the Free Press Advocate on Wednesday, Aug. 24, 2022.





affidavit

STATE OF ILLINOIS )

) SS:

COUNTY OF LAKE )

TIM KNUDSON, being first duly sworn on oath, deposes and says as follows:

(Affiant Name)

- 1. That (s)he has given written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to public meeting or hearing date to all persons who are either owners of record as of not more than 10 days prior to the date of service, and as shown on the records kept by the County Recorder of Deeds, or persons listed on the most recently published tax rolls of the Township or County Assessor as persons who paid the general real estate taxes for the last preceding year on parcels of real estate being within 250 feet of the boundaries of the property for which

Wilmington Park 85  
(Project Description)

is being requested. The subject property is addressed:

85 Acres Route 53 South of Kankakee River Rd.

- 2. The names and addresses of the persons to whom said notice was given are on the list attached hereto and made a part hereof.

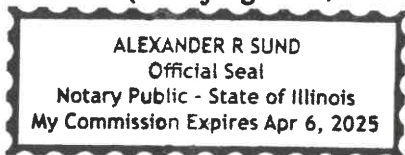
[Signature]  
Affiant Signature

Subscribed and sworn to before me

This 29th day of August 2022

[Signature]

Notary Public  
(Notary Signature)





# Planning and Zoning Application Form

### Application Request(s)

Check all that apply.

- Annexation       Concept Site Plan       Map Amendment       PUD-Special Use Permit
- Preliminary Plat       Final Site Plan       Text Amendment
- Final Plat       Variance       Conditional Use Permit

The undersigned applicant(s) request(s) the corporate authorities of the City of Wilmington to approve the following application for the above checked item(s) in the City of Wilmington and in support of the said application, state(s) as follows:

### Property and Request Information

Vacant land 85 acres Route 53 South of Kankakee River Road  
 Address of Request \_\_\_\_\_

Wilmington Park 85      03-17-25-200-011  
 Project Name      PIN \_\_\_\_\_

Route 53 South of Kankakee River Road      85 acres  
 General Location      Property Size \_\_\_\_\_

I-2      I-2  
 Present Zoning      Previous Zoning \_\_\_\_\_

vacant      30 acre (Phase 1) Agile Cold Storage  
 Present Land Use      Proposed Land Use \_\_\_\_\_

Reason for Request/Description of Request: Final approval of Phase 1 for Agile Cold Storage building and concept approval for Phase II for future industrial users. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Building Permit Submitted?  Yes  No If yes, for what: Upon approval Agile will apply for a building permit for Phase 1

Complete the following Development information if applicable:

Development/Subdivision Name: Wilmington Park 85

Type of Development:  Residential       Commercial       Industrial       Institutional

2  
 Number of Units/Lots (if applicable)

Buildings/Improvements on Property to Remain or be Removed? (describe): none

Floodplain in areas present on the property?  Yes  No

Professional Fee Agreement Submitted?  Yes  No

**Applicant Information**

**Applicant/Developer**

Owner  Contract Purchaser  Lessee  Agent For:

Tim Knudson Primary Contact	85 Wilmington LLC Business Name
2500 S. Highland Avenue, Suite 103 Lombard, IL 60148 Address (City, State, Zip)	
Tim@avgerisinc.com Email	630-620-8684 Phone
630-620-8864 Fax	

**Property Owner (if different than applicant)**

Name	Email
Address (City, State, Zip)	
Phone	Fax

**Project Team**

**Attorney**

Lawrence Freedman Name	Ash, Anos, Freedman & Logan Business Name
95 Revere Drive, Unit G, Northbrook, IL 60062 Address (City, State, Zip)	
lmfreedman@aflaw.com Email	312-346-1390 Phone
Fax	

**Engineer**

Mike Dahm Name	Ruettiger, Tonelli & Associates, Inc. Business Name
129 Capista Drive, Shorewood, IL 601404 Address (City, State, Zip)	
mdahm@ruettigertonelli.com Email	815-744-6600 Phone
Fax	

**Project Team (Continued)**  
**Planning/Landscape Architect Consultant**

Name \_\_\_\_\_ Business Name \_\_\_\_\_

Address (City, State, Zip) \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Fax \_\_\_\_\_

**Submitted Materials Required**

- Legal Description of Property (Hard Copy)
- Legal Description of Property (Emailed Copy)
- Disclosure of Beneficiaries Form - completed
- Non- Refundable Fees (all that apply)
  - Annexation: \$ \_\_\_\_\_
  - Preliminary Plat: \$ \_\_\_\_\_
  - Final Plat: \$ \_\_\_\_\_
  - Concept Site Plan: \$ \_\_\_\_\_
  - Final Site Plan: \$ \_\_\_\_\_
  - Variance: \$ \_\_\_\_\_
  - Map Amendment: \$ \_\_\_\_\_
  - Text Amendment: \$ \_\_\_\_\_
  - Conditional Use Permit: \$ \_\_\_\_\_
  - PUD-Special Use Permit: \$ \_\_\_\_\_

Amendment request(s) fees are the same as listed above.

- Variance, Special Use Permit and/or PUD Supplement(s)
- Plat of Survey, to scale and current
- For Variation(s): Marked up Plat of Survey illustrating variation(s)
- Any specific information which may help in the review and approval process

Applicable for new development only:

- Four (4) full-size, folded, collated copies of all applicable plans including but not limited to the following:
  - Site Plan with Complete Site Data, Preliminary/Final Plats, Architectural Elevations (Color and Black-Line)
  - Signs, Photometric Plan with Lighting Specifications, Tree Survey, Landscape Plan
- One (1) copy of the proposed covenants and restrictions
- A detailed description of business, proposed hours of operation, number of employees

**Applicant Signatures**

The undersigned below hereby certifies that he/she is the owner of the described property and has authorized an agent, which both agree to abide by all ordinances, regulations, and codes of the City of Wilmington as are in full force and effect on the date of the consideration of this application by the Corporate Authorities. The owner or applicant(s) also agree(s) to pay any and all fees, costs, and expenses of the City of Wilmington, including professional fees that are necessary and required to act on this application.

Wilmington Park 85

Project Name

85 Wilmington LLC

Owner's Name

Tim Knudson

Applicant's Name, if different than owner

Owner's Signature

Applicant's Signature

2500 S. Highland Avenue, Suite 103, Lombard, IL 60148

Address (City, State, Zip)

Date

8/10/22

**Staff Use Only**

Applicable Code Sections

Comprehensive Plan

Zoning of Adjacent Properties: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

Date Professional Fee Agreement was signed

Applicant's Name, if different than owner

Submittal Date

Received By

Address (City, State, Zip)

Payment Amount

Payment Type

Payment Date



**DISCLOSURE OF BENEFICIARIES**

**1. PETITIONER:**

Tim Knudson	85 Wilmington LLC
_____ Name	_____ Business Name
2500 S. Highland Avenue, Suite 103, Lombard, IL 60148	
_____ Address (City, State, Zip)	
Tim@avgerisinc.com	630-620-8684
_____ Email	_____ Phone

**2. NATURE OF BENEFIT SOUGHT:** PUD Application

**3. NATURE OF APPLICANT**

- Natural Person     
 Corporation     
 Land Trust/ Trustee     
 Trust/Trustee  
 Partnership     
 Joint Venture     
 Limited Liability Company

**4.** If the applicant is an entity other than described in Section 3, please state the nature and characteristics of the applicant: \_\_\_\_\_

**5.** If your answer to Section 3 is anything other than (a) please identify every owner and beneficiary having any interest, real or personal, in such property, and every member, shareholder, limited partner, or general partner entitled to receive more than 7.5% of the total distributable income of any limited liability company, corporation, or limited partnership having interest in the property. However, if the interest, stock, or shares in a limited liability company, corporation, or general partnership is publicly traded and there is no readily known individual having greater than 7.5% interest, then a statement to such effect should be attached hereto.

	<u>NAME</u>	<u>ADDRESS</u>	<u>INTEREST</u>
a.	JCA Gift Trust -	2500 S. Highland Avenue, #103, Lombard, IL 60148	93.25%
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____

**NOTE:** If your answer to Section 5 identifies an entity other than a natural person, then the same disclosure must be made for each entity.



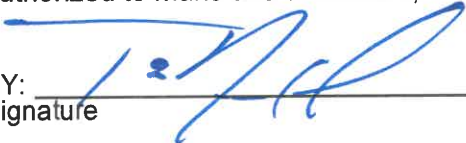
**6. PERSON MAKING THE DISCLOSURE ON BEHALF OF THE PETITIONER:**

Tim Knudson \_\_\_\_\_ Manager \_\_\_\_\_  
Name Capacity  
2500 S. Highland Avenue, Suite 103 Lombard, IL 60148  
Address (City, State, Zip)  
Tim@avgerisinc.com \_\_\_\_\_ 630-620-8684  
Email Phone

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**VERIFICATION**

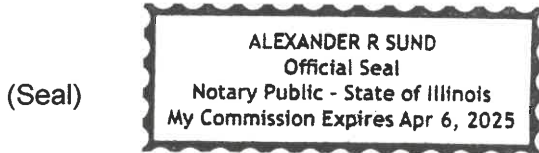
I, Tim Knudson, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained herein are true in both substance and fact. I, Tim Knudson, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure.

BY:   
Signature

Tim Knudson  
Printed Name

Signed and sworn to before me this  
16th day of August, 2022.

  
NOTARY PUBLIC





**Planned Unit Development (PUD) Application Supplement**

85 Wilmington LLC

Applicant's Name

Date

2500 S. Highland Avenue, Suite 103, Lombard, IL 60148

Address (City, State, Zip)

Final approval of Phase 1 for Agile Cold Storage building and concept approval for Phase II for future industrial users

Request

Provide justification as to how the request meets the following Standards for Approval as set forth in the City of Wilmington Municipal Code. Additional sheets may be attached, if necessary.

[Chapter 150, Article 6](#) of the Wilmington Code of Ordinances provides that for a requested Planned Unit Development, the Planning and Zoning Commission shall provide findings of fact setting forth the reasons for the recommendation, and the findings shall set forth with particularity the following:

(a) In what respects is the proposed plan consistent with the stated purpose of the planned unit development regulations?

See attached Exhibit B

(b) In what respects does the proposed plan meet the requirements and minimum standards of the planned unit development regulations?

See attached Exhibit B

(c) To what extent the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, the density, dimensions, area, bulk, and use, and the reasons why such departures are deemed to be in the public interest?

See attached Exhibit B

(e) How does the physical design of the proposed plan and the manner in which the design make adequate provisions for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment?

See attached Exhibit B

(f) How is the proposed plan compatible with adjacent properties and neighborhoods?

See attached Exhibit B

(g) How is the proposed plan desirable with regard to the physical development, tax base, and economic well-being of the entire community?

See attached Exhibit B

(h) How does the proposed plan conform with the intent and spirit of the Comprehensive Plan?

See attached Exhibit B

(i) To what extent is the PUD and use necessary for the public convenience at that location?

See attached Exhibit B

(j) How is the PUD designed, located, and proposed to operate so that public health, safety, and welfare will be protected?

See attached Exhibit B

(k) To what extent will the PUD cause substantial injury to the value of other property in the neighborhood in which it is located?

See attached Exhibit B

(l) Describe how the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare.

See attached Exhibit B

(m) Describe how the conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood?

See attached Exhibit B

(n) Describe how the establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

See attached Exhibit B



**PLANNING AND ZONING COMMISSION  
PETITION FOR PLANNED UNIT DEVELOPMENT**

The Planning and Zoning Commission's review of the preliminary and final PUD applications shall be based on the following criteria:

(1) Is the PUD detrimental to public health, safety, or general welfare?

Yes  No Explanation: See Exhibit A  
\_\_\_\_\_  
\_\_\_\_\_

(2) Is the plan of the area proposed for the PUD in general conformance with the adopted comprehensive plan of the city?

Yes  No Explanation: See Exhibit A  
\_\_\_\_\_  
\_\_\_\_\_

(3) Are the use(s) within the PUD compatible with surrounding land uses and will not be injurious to the use and enjoyment of other properties in its vicinity?

Yes  No Explanation: See Exhibit A  
\_\_\_\_\_  
\_\_\_\_\_

(4) Does the ingress and egress to the PUD facilitate the access by emergency vehicles and efficient and safe traffic circulation in the vicinity, and be consistent with any officially adopted plans of the city? Sidewalks, pedestrian ways, bicycle paths, and off-street parking and loading are provided in a location and capacity appropriate to the planned uses.

Yes  No Explanation: See Exhibit A  
\_\_\_\_\_  
\_\_\_\_\_

(5) Does the quality or quantity of common open spaces and landscaping provided consistent with the higher standards of amenity and design required of the PUD?

Yes  No Explanation: See Exhibit A  
\_\_\_\_\_  
\_\_\_\_\_

(6) Have adequate provisions been made in the form of deed restrictions, homeowners or condominium associations, or the like for the preservation and maintenance of any open spaces, private roads or drives, utilities, and stormwater management facilities as well as for the control of architecture review for individual structures if necessary to implement the PUD?

Yes  No Explanation: See Exhibit A  
\_\_\_\_\_  
\_\_\_\_\_

(7) Are there adequate and safe locations of play areas for children as well as other recreational areas?

Yes  No Explanation: Not Applicable this not residential property

(8) Are buildings located so as to ensure adequate light and air?

Yes  No Explanation: See Exhibit A

(9) Does the PUD have a superior design than would otherwise be permitted by the strict adherence to otherwise applicable regulations and exceeding that which is typical of conventional development?

Yes  No Explanation: The building proposed to be built in phase 1 will be a state of the art facility providing the most current technological features which will meet or exceed all code requirements

(10) Does the PUD meet the minimum requirements set forth in this chapter as well as the provisions of all other sections of this ordinance as well as the city's subdivision ordinance unless specifically excluded by this chapter or waived by the city council.

Yes  No Explanation: See Exhibit A

(11) Does all construction conform to the requirements of the City of Wilmington Municipal Code?

Yes  No Explanation: See Exhibit A

**Required Public Notices**

Unless otherwise confirmed below by acknowledgment of intent to complete notices, the City of Wilmington will complete all ordinance required public notice postings no less than 15 days and no more than 30 days prior to the scheduled public hearing. Such notices include the following:

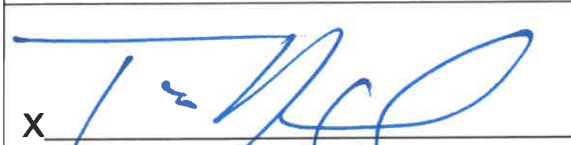

- City shall provide and applicant shall post a sign on the subject property;
- Public Notice in a newspaper of general circulation;
- Written notice with certified return receipt to the owner of the record, as shown on the record of the local real estate tax collector, of all lots lying within 250 feet, exclusive of right-of-ways, of the property line for which the request is sought.

**Only if Petitioner chooses to complete written notices.** As the petitioner, I would like to complete the required written notices and take full responsibility for the accuracy and timeliness of said notices. Prior to mailing said notices I will confirm with City staff the ordinance required content of the letters, method of sending letters, and required affidavit of notice.

X   
 Applicant's Signature

STATE OF ILLINOIS	)
	) SS.
COUNTY OF WILL	)

The undersigned hereby authorizes the filing of the aforesaid request and understands that the owner or an authorized agent must be present at the public hearing to present the request to the Plan Commission.

<p>X           OWNER or APPLICANT'S SIGNATURE</p>	<p>NOTARY PUBLIC:          Sign: </p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>ALEXANDER R SUND              Official Seal              Notary Public - State of Illinois              My Commission Expires Apr 6, 2025</p> <p>AFFIX STAMP HERE</p> </div>
<p>SUBSCRIBED AND SWORN to before me this <u>16th</u> day of <u>August</u>, 20<u>22</u> and who has provided the proper identification and who did take an oath.</p>	

## Exhibit A

1. The planned development will provide for the development of 2 or more industrial buildings, one of which will be developed by Agile Freezer on Phase 1 which will be approximately \_\_321,827 \_Square Feet on 30 acres of land. The Agile Cold Storage building will provide approximately 100 – 125 full time quality jobs, will be state of the art construction, and will generate revenue from real estate taxes for the benefit of the City of Wilmington and other taxing bodies.
2. The project is in conformance of the City's Comprehensive Plan which designates the property for industrial use.
3. To the north and west are industrial projects, to the east across from Rt 53 is vacant land, and to the south is commercial. All of the aforementioned uses are compatible with the proposed industrial use.
4. Traffic studies have been completed and support Applicant's position that the ingress and egress is adequate for the project. The existing roadway system is adequate for the proposed development of phase 1. Upon development of phase 2 access will be provided to Rt. 53, which will provide more than sufficient ingress and egress for the entire PUD.
5. There will be no common open spaces in the PUD. The PUD will meet all open space and landscaping requirements of the City.
6. There will be no homeowner or condominium associations in the PUD. The project will meet all stormwater management requirements and architectural requirements per the City code.
7. Inasmuch as there is no residential use proposed, this item is not applicable.
8. The proposed buildings will be sufficiently set back and have a height and mass which will be designed to ensure adequate light and air.
9. The elevations submitted will show a state of the art building and bring a quality project to the City of Wilmington.
10. All City PUD requirements will be met by the proposed development.
11. All construction will meet the City's building code and construction requirements.



## Exhibit B

- (a) The purpose of a PUD is to allow for greater flexibility in planning and design which might not otherwise be available under the City's Zoning Code. The proposed PUD will permit Agile Cold Storage to construct a building in Phase 1 with a maximum height of 100 ft rather than the permitted 45 ft in order to develop an economically feasible building.
- (b) Other than in sub-paragraph (c) below, the proposed development will meet the requirements and minimum standards of the PUD regulations of the City of Wilmington.

(c) The departure from the regulations include:

1. Phase 1 building height of 100' which is a departure of Section 150.64(D)(5)
2. Phase 1 comprising 30 acres not having official ROW frontage which is a departure from Section 150.81(D)
3. The connection to the existing sewer and water to remain within existing lines running through the Phase 2 area of the project. Upon development of Phase 2 these existing lines may or may not be relocated. Utilities for Phase 1 may not be routed through existing right-of-ways which is a departure from Section 152.102.

The foregoing departures are not being requested in the form of either a conditional use or variances as they may be approved as part of a Planned Unit Development. They are however departures from Ordinance requirements which are being highlighted to show those matters being requested to being approved under the Planned unit development which would otherwise require approval of conditional uses or variances.

- (e). Traffic studies provided by Applicant conclude that the existing ingress and egress is adequate for the project. Upon development of phase 2, additional access will be provided to Rt. 53, which will provide more than sufficient ingress and egress for the entire PUD. There is no common open space proposed. The location and scale of proposed buildings will provide for adequate light and air.
- (f) To the north and west are industrial projects; to the east across from Route 53 is vacant land; and to the south is commercial. All of the forgoing uses are compatible with the proposed industrial use.
- (g) The proposed PUD will provide for the development of 2 or more industrial buildings, one of which will be developed by Agile Cold Storage on Phase 1, which will be approximately 321,827 square Feet on 30 acres of land. The Agile Cold Storage building will provide approximately 100 – 125 full time quality jobs, will be state of the art construction, and will generate revenue from real estate taxes for the benefit of the City of Wilmington and other taxing bodies.

- (h) The proposed PUD is in conformance of the City's Comprehensive Plan which designates the property for industrial use.
- (i) The proposed PUD will attract high quality industrial users to the City of Wilmington which will generate jobs and revenue from real estate taxes for the benefit of the entire community.
- (j) The state-of-the-art design and location of the proposed buildings, along with the proposed connection to Route 53 at the time of the development of Phase 2, will result in the PUD operating to enhance public health, safety, and welfare.
- (k) To the north and west are industrial projects, to the east across from Rt 53 is vacant land, and to the south is commercial. All of the forgoing uses are compatible with the proposed industrial use, and as such the value of other properties in the neighborhood will be enhanced and not injured.
- (l) In providing approximately 100 – 125 full time quality jobs on Phase 1 alone, and in providing revenue from real estate taxes for the benefit of the City of Wilmington and other taxing bodies, the public health, safety, and general welfare will be enhanced.
- (m) To the north and west are industrial projects, to the east across from Rt 53 is vacant land, and to the south is commercial. All of the forgoing uses are compatible with the proposed industrial use, and as such the value of other properties in the neighborhood will be enhanced and not injured.
- (n) The construction of Agile's Cold Storage Building on Phase 1 will encourage normal and ordinary development for improvements for similar uses on the adjacent properties.

FROM: Casey McCollom, PE – Engineer  
Chamlin & Associates

DATE: September 7, 2022

SUBJECT: Preliminary PUD Plat Approval –Wilmington Park 85

FOR AGENDA: September 12, 2022

### SUMMARY

85 Wilmington LLC is a proposed industrial development located at the southeast corner of E. Kankakee Dr. and Highway 53. The proposed project is located within the I-2 zoning district and has proposed uses that are a permitted use for this district. The Petitioner is requesting a Planned Unit Development for the approximately 85 Acres. The PUD will create 2 industrial lots and be developed in 2 phases. The development in Phase 1 of the project will entail the development of a cold storage facility. The cold storage facility is to be developed by the contract purchaser Agile Cold Storage. This development consists of approximately 30 acres and will construct an approximately 300,000 square foot facility. The proposed building will have a maximum height of 100 feet. Development of Phase 2 is to be determined but is generally understood to be planned for industrial uses consistent with adjacent developments. The petitioner is seeking a PUD due to the unique construction request by Agile Cold Storage and existing site constraints. Preliminary engineering documents have been provided by Agile Cold Storage. The preliminary documents are consistent with the requirements of the proposed PUD and City of Wilmington requirements. Final Engineering review and approval is still required.

### GENERAL INFORMATION

PETITIONER: 85 Wilmington, LLC

LOCATION: Southeast Corner of E. Kankakee Dr. and Illinois Route 53

PIN: 03-17-25-200-011

SIZE: 85 Acres +/-

EXISTING ZONING: I-2 Light Industrial

#### Peru Office

4152 Progress Boulevard • Peru, IL 61354  
Phone 815.223.3344 • Fax 815.223.3348  
peru@chamlin.com

#### Ottawa Office

218 West Lafayette Street • Ottawa, IL 61350  
Phone 815.434.7225 • Fax 815.434.2831  
ottawa@chamlin.com

#### Mendota Office

903 Main Street • Mendota, IL 61342  
Phone 815.539.8137 • Fax 815.224.8575  
mendota@chamlin.com

ADJACENT ZONING & LAND USE:

Direction	Zoning	Jurisdiction	Use
North	I-2 Light Industrial	Wilmington	Industrial
South	I-2 Light Industrial	Wilmington	Vacant/Agricultural
East	I-2 Light Industrial	Wilmington	Vacant/Agricultural
West	I-2 Light Industrial	Wilmington	Industrial/Vacant/WWTP

**APPLICATION REQUEST(S)**

- Preliminary PUD Plat Approval
- PUD-Conditional Use

**BACKGROUND INFORMATION**

- Recapture Agreement - September 9, 2008 (R2008-112079), amended April 21, 2009 (R2009-051037), amended April 21, 2009 (R2009-067149)
- Annexation Agreement – May 29, 2009 (R2008-112074)

**PROJECT DETAILS**

*Description of Business:*

- Per the Petitioner, Phase 1 contract buyer Agile Cold Storage, intends to construct and operate a light industrial cold storage distribution facility. The ASRS (Automated Storage and Retrieval System) portion of the building is proposed at a height of 100 feet above the average grade of the site. The business will be in the food and agriculture storage and distribution sector. The building will operate with temperatures of -20F, -10F, and 38F.
- The proposed Phase 1 business activities described by the applicant are permitted uses within the I-2 Light Industrial district.
- The proposed Phase 1 maximum building height exceeds the maximum permitted building height of 45 feet, and the conditional use maximum building height of 100 feet. Relief of this requirement of the I-2 District is being sought through the PUD Conditional Use.
- Phase 2 of the project business is to be determined. Petitioner states that the proposed uses will be consistent with the requirements of I-2 Zoning.

*List of Variances Requested by Petitioner:*

- *Lot 1*
  - *Request maximum building height be increased from 45' to 100'*
  - *Request minimum lot frontage to public right of way reduced to 0'*
  - *Allow connection to City sewer and Water facilities to be made outside of existing right of way. Connections will be made to existing facilities located within existing easements.*
- *Lot 2*
  - *No Variances requested.*

*Phase 1 Development Description:*

- The site plan consists of the following improvements:
  - 322,000 +/- total square feet multi-story warehouse and processing building
  - 113,000 sf +/- with proposed maximum height of 100' (Approximately 328' x 343')
  - 9,900 sf +/- with proposed maximum height of 79'
  - 72,000 sf +/- with proposed maximum height of 55'
  - 46,500 sf +/- with proposed maximum height of 40'
  - 80,500 sf +/- with proposed maximum height of 30'
  - 49 Truck/Trailer Parking
  - 163 Auto Parking
  - 26 Dock Spaces
  - 132,500 sf +/- of future building expansion south of currently proposed building
  - 2 detention ponds to the east and south of the proposed building
- Passenger vehicle access to the site will be via the existing entrance to Dow/Dupont per existing easement.
- Truck access to the site is proposed via the adjacent property west of the subject development.
- The site is currently incumbered by an existing sanitary sewer easement and private sanitary sewer easement.
- Water and Sanitary sewer are proposed to connect to existing facilities east of the proposed development.
- An abbreviated traffic impact study has been provided. The study indicates no adverse impacts to existing roadways due to Phase 1 Development.

*Phase 1 Architecture:*

- Building to be primarily steel frame construction with insulated metal panel exterior.
- Administrative offices are shown with an alternate exterior finish not yet identified.

*Phase 2 Development Description:*

- No development has been planned at this time
- Access to Phase 1 from Illinois Route 53 will be provided through Phase 2 upon development of Phase 2. If no development occurs within 5 years. Petitioner commits to providing updated analysis of traffic to verify no adverse impacts to area transportation systems due to Phase 1 development.

**PUBLIC NOTICE SUMMARY**

- The requested Planned Unit Development requires a public notice to all property owners within 250 feet of the property.
- Public notice to be published in the Free Press Advocate on Wednesday, August 24, 2022.

## STANDARDS

*Standards for review of PUD request:*

The PZC shall make recommendation and provide findings of fact to the City Council to the same that:

1. The PUD shall not in any way be deemed to be detrimental to the public health, safety, or general welfare.
2. The plan of the area proposed for the PUD shall be in general conformance with the adopted comprehensive plan of the city.
3. The use or uses within the PUD shall be compatible with surrounding land uses and will not be injurious to the use and enjoyment of other properties in the vicinity.
4. Ingress and egress to the PUD shall be provided in a manner to facilitate access by emergency vehicles and efficient and safe traffic circulation in the vicinity and be consistent with any officially adopted plans of the city. Sidewalks, pedestrian ways, bicycle paths and off-street parking and loading are provided in a location and capacity appropriate to the planned uses.
5. The quality or quantity of common open spaces and landscaping provided are consistent with the higher standards of amenity and design required of a PUD.
6. Adequate provision has been made in the form of deed restriction, homeowners or condominium association, or the like for the preservation and maintenance of any open spaces, private roads or drives, utilities, and stormwater management facilities as well as for the control of architecture review for individual structures if necessary to implement the PUD.
7. Adequate and safe location of play areas for children as well as other recreational areas.
8. Building shall be located so as to insure adequate light and air.
9. The PUD shall be of a superior design than would otherwise be permitted by the strict adherence to otherwise applicable regulations and exceeding that which is typical of conventional development.
10. The PUD meets the minimum requirements set for in Chapter 150 as well as the provisions of all other sections of the Ordinance as well as the City's subdivision ordinance unless specifically excluded by Chapter 150 or waived by the city council.
11. All construction shall conform to the requirements of the City of Wilmington Municipal Code.

## STAFF COMMENTS AND CONDITIONS

- Zoning Code 150.64(D)(3) states that I-2 Zoning District has a maximum building height of 45 feet and may be increased to 100 feet by conditional use permit *“as long as all yard setbacks are increased by a ratio of one foot for each two feet, or portion thereof, of increased building height over 45 feet, provided that no front yard setback exceed 150 feet and no side or rear yard exceed 75 feet.”* Setbacks proposed by the developer have been provided in the spirit of the Article 150.64(D)(3) of the code – where the minimum setback has been increased an additional foot for every two feet of building height above 45 feet. At no location does the minimum required setback exceed 150 feet for front yard or 75 feet for side or rear yard. All proposed setbacks exceed the calculated revised minimum setback for the Phase 1 development.
- Zoning Code 150.64(D)(2) states that I-2 Zoning District has a minimum lot width of 100 feet. The Petitioner is requesting that Phase 1 of the development has no frontage to a public right of way. Access to Phase 1 will be maintained through an existing access easement between the Petitioner

and the Dow/Dupont Property. Additionally, the Petitioner has committed to providing additional access to the Phase 1 development at the time of development of Phase 2.

- At concept level the Phase 1 site plan appears to meet or is capable of meeting requirements for development.
- Phase 1 Plans will need to be submitted in accordance Ordinance 150.19 prior to Staff providing comments for Site Plan approval.
- Engineering review of storm water management reports, detailed utility plans, and detailed grading plans will be required once submitted for review.
- Developer will be required to obtain a vacation of the existing sanitary sewer easement that encumbers the Phase 1 of the property. This sanitary sewer is a private line believed to be to the benefit of Dow/Dupont and US Cold Storage.
- Staff recommends approval of the preliminary PUD plat.
- Staff recommends increased requirements for screening and landscaping.

#### SUPPORTING DOCUMENTS

- Preliminary PUD application and justification narrative.
- Preliminary PUD Plat
- Phase 1 Development Narrative
- Phase 1 Development Preliminary Plan Package including:
  - Site 3D views
  - Architectural Site Plan
  - Floor Plan
  - Elevations
  - Building Sections
  - Preliminary Geometric Plan
  - Preliminary Grading Plan
  - Preliminary Utility Plan

#### ACTION REQUESTED OF THE COMMISSION

- Review and make a recommendation to the City Council regarding the Preliminary PUD Plat.





**AGILE**  
Cold Storage

**Proposed Cold Storage  
Illinois**

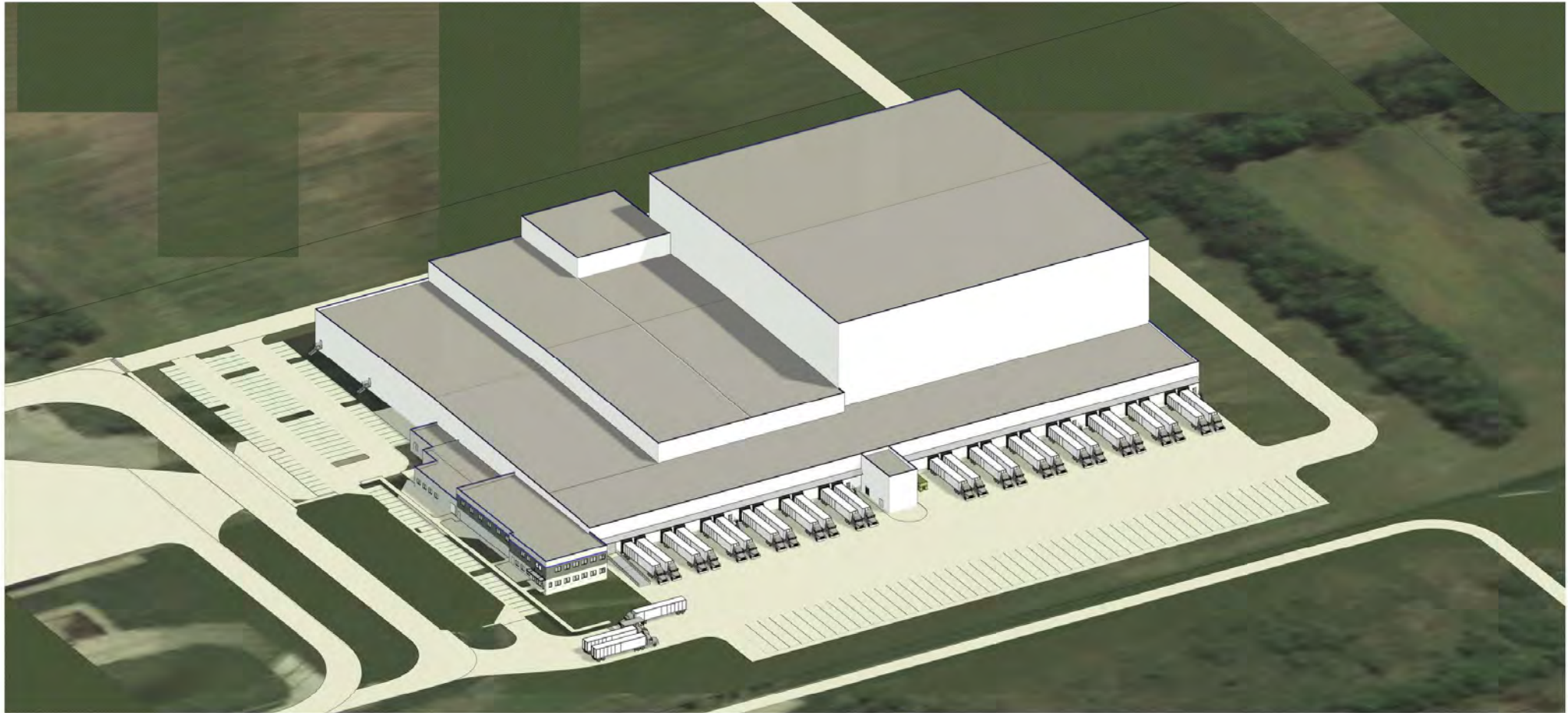
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# Agile – Illinois: Executive Summary

- Agile Cold Storage (<https://www.agilecoldstorage.com/>) proposes to design, build, construct, and operate a state-of-the-art multi-temp cold storage facility nearby Chicago, IL.
- Investment: construction and site development investment of ~\$120 million.
- Building size: ~300,000 square feet.
- Economic impact: ~150 jobs in the on-going operation (excl. construction).  
\$10+ million payroll and benefits.  
Facilities staffed by people hired and trained locally.
- Car traffic (employees): ~50 people per shift  
1 hour between start/end of shifts
- Truck traffic: limited truck traffic on 2<sup>nd</sup> shift  
4-5 trucks per hour
- Timing: break ground ASAP after approvals.

# Agile – Illinois: Typical Site Plan



# Site General

- Noise: Proposed refrigeration systems are very quiet. Less than 55 db at ground level. Freon refrigerant.
- Fencing: truck court fenced (no barb wire... standard fence only).
- Water/Septic: municipal water/sewer preferred
- Storm water: detention ponds on-site.
- Hours of operation: 20 hours/day Mon. – Fri. and 10 hours/day Sat. – Sun.
- Height: building height ranges from 35ft to 125ft



**AGILE**  
Cold Storage

John Ripple

[john.ripple@agilecoldstorage.com](mailto:john.ripple@agilecoldstorage.com)

616-304-3979

Agile Cold Storage

3117 Athens Hwy

Gainesville, GA 30507

833.424.COLD | 833.424.2653

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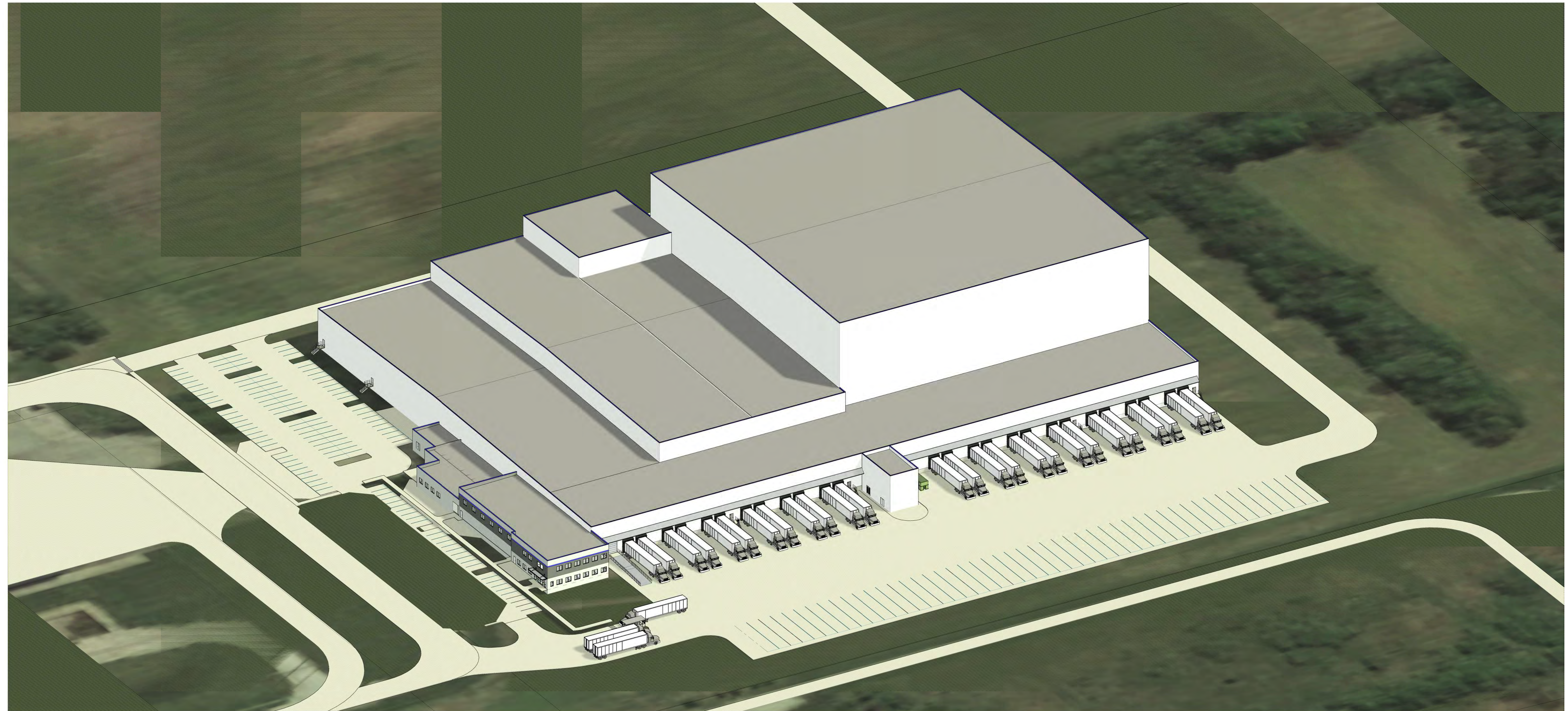


A NEW PROJECT FOR:

# WALRUS COLD STORAGE, LLC

WILMINGTON, IL

## HEIGHT VARIANCE PACKAGE



WALRUS COLD STORAGE, LLC  
WILMINGTON, IL

REV	DATE
L	2021.12.20
M	2022.01.14
R	2022.07.05

ASU DATE

WILLIAM A. LANGLEY, AIA ARCHITECT  
IN CONSULTATION WITH  
FISHER CONSTRUCTION GROUP, INC.

Designed By: WAL  
Checked By: WAL  
Project No: 21F151  
Sheet Size: E1

Sheet Title:  
**COVER SHEET**

Sheet No:  
**A-001**





**A** COMPOSITE PHOTO / RENDERING FROM HWY IL-53 CURVE - LOOKING NORTH WEST TO THE PROPOSED PROJECT



**B** COMPOSITE PHOTO / RENDERING FROM E. KANKAKEE RD - LOOKING SOUTH EAST TO THE PROPOSED PROJECT



ARCHITECTURAL RENDERING PLAN 1  
1" = 300'-0" A-200(A-010)



**C** RENDERING FROM NORTH WEST CORNER OF PROPERTY BOUNDARY

REV	DATE
L	2021.12.20
M	2022.01.14
R	2022.07.05

ASI	DATE

WILLIAM A. LANGLEY, AIA ARCHITECT  
IN CONSULTATION WITH  
FISHER CONSTRUCTION GROUP, INC.

Designed By:	WAL
Checked By:	WAL
Project No:	21F151
Sheet Size:	E1
Sheet Title:	<b>SITE 3D VIEWS</b>

















REV	DATE
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M	2022.01.14
R	2022.07.05

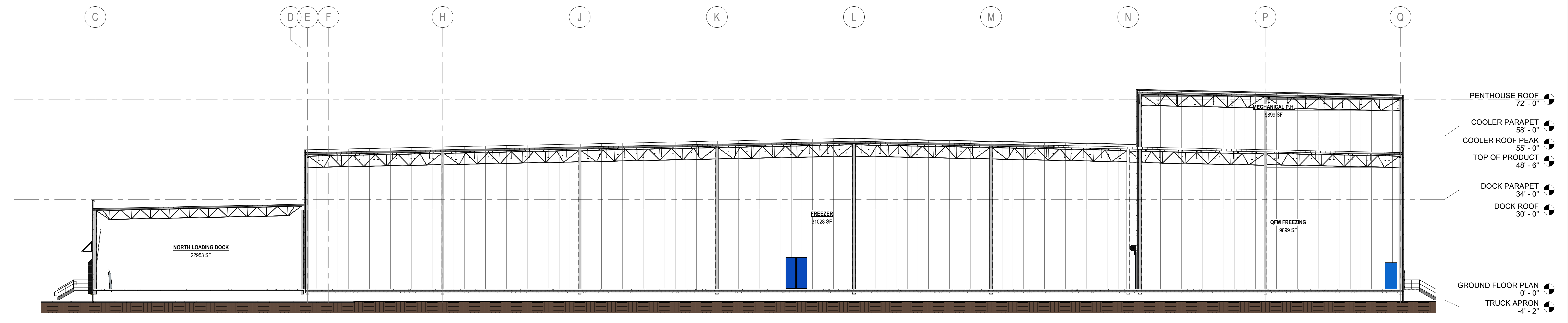
ASI	DATE

WILLIAM A. LANGLEY, AIA ARCHITECT  
IN CONSULTATION WITH  
FISHER CONSTRUCTION GROUP, INC.

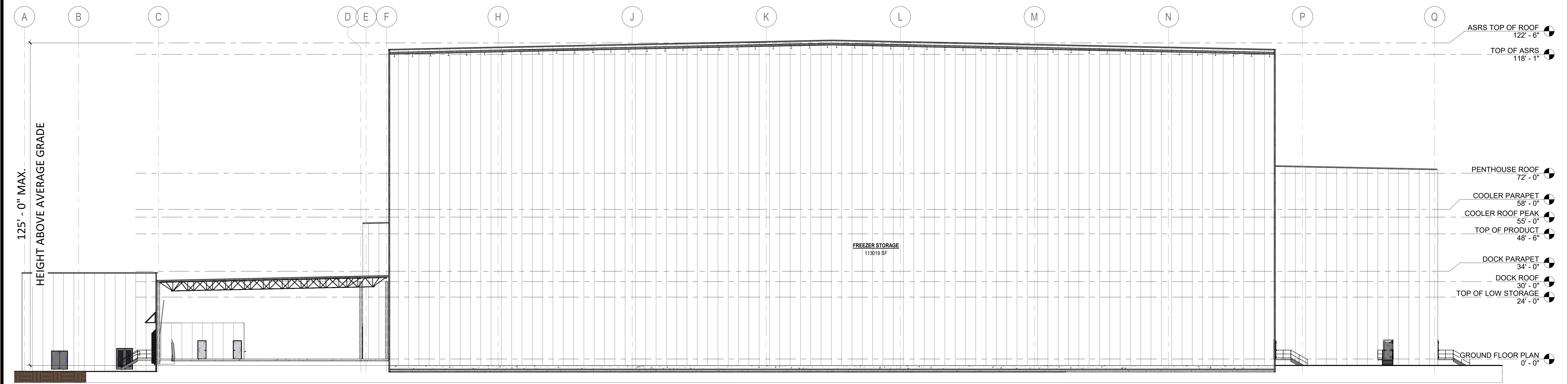
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Checked By:	WAL
Project No:	21F151
Sheet Size:	E1

Sheet Title:  
**BUILDING SECTIONS**

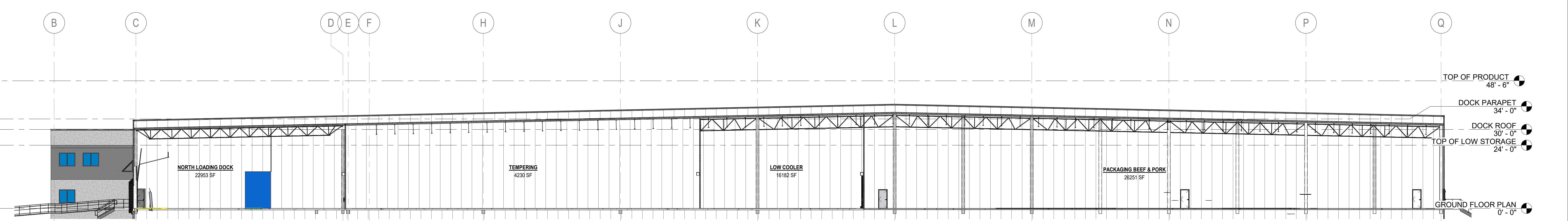
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**BUILDING SECTION - CONVENTIONAL STORAGE1** 1  
1/16" = 1'-0" A-111(A-300)

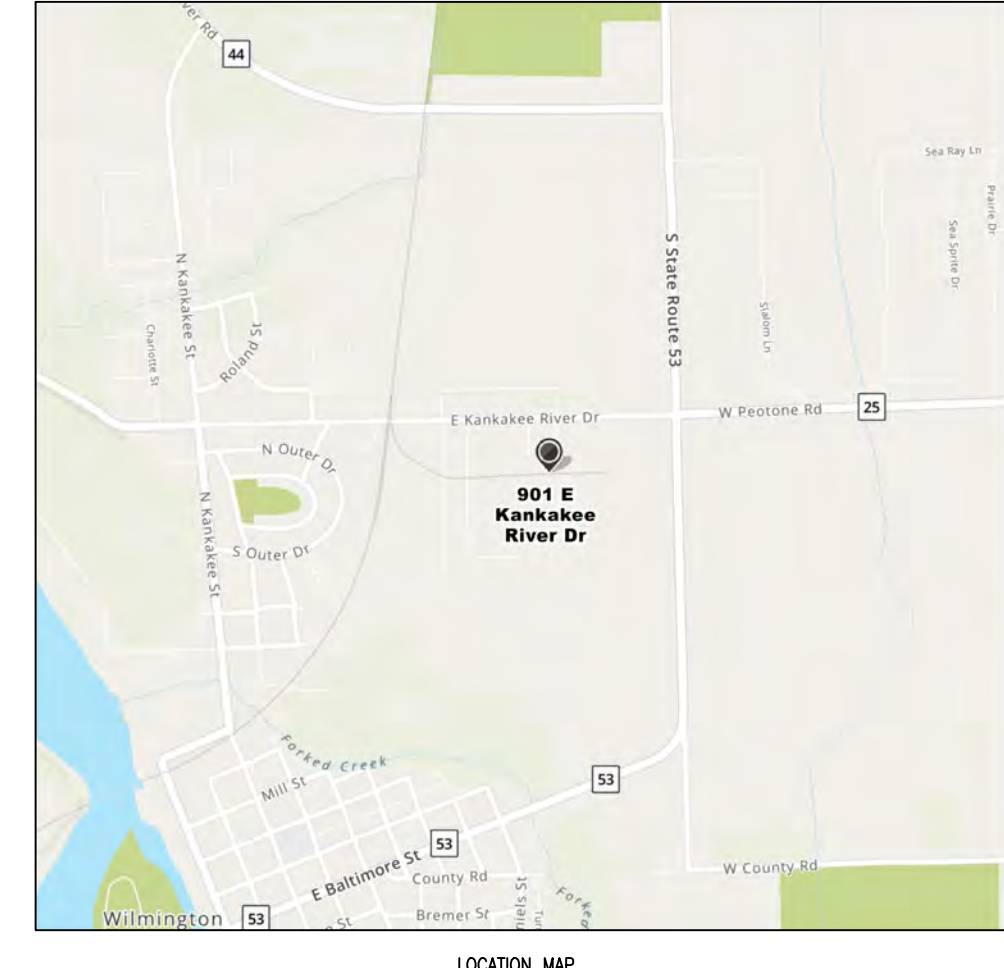
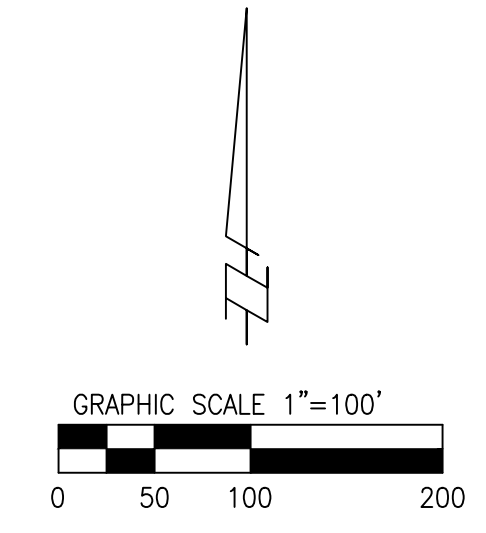
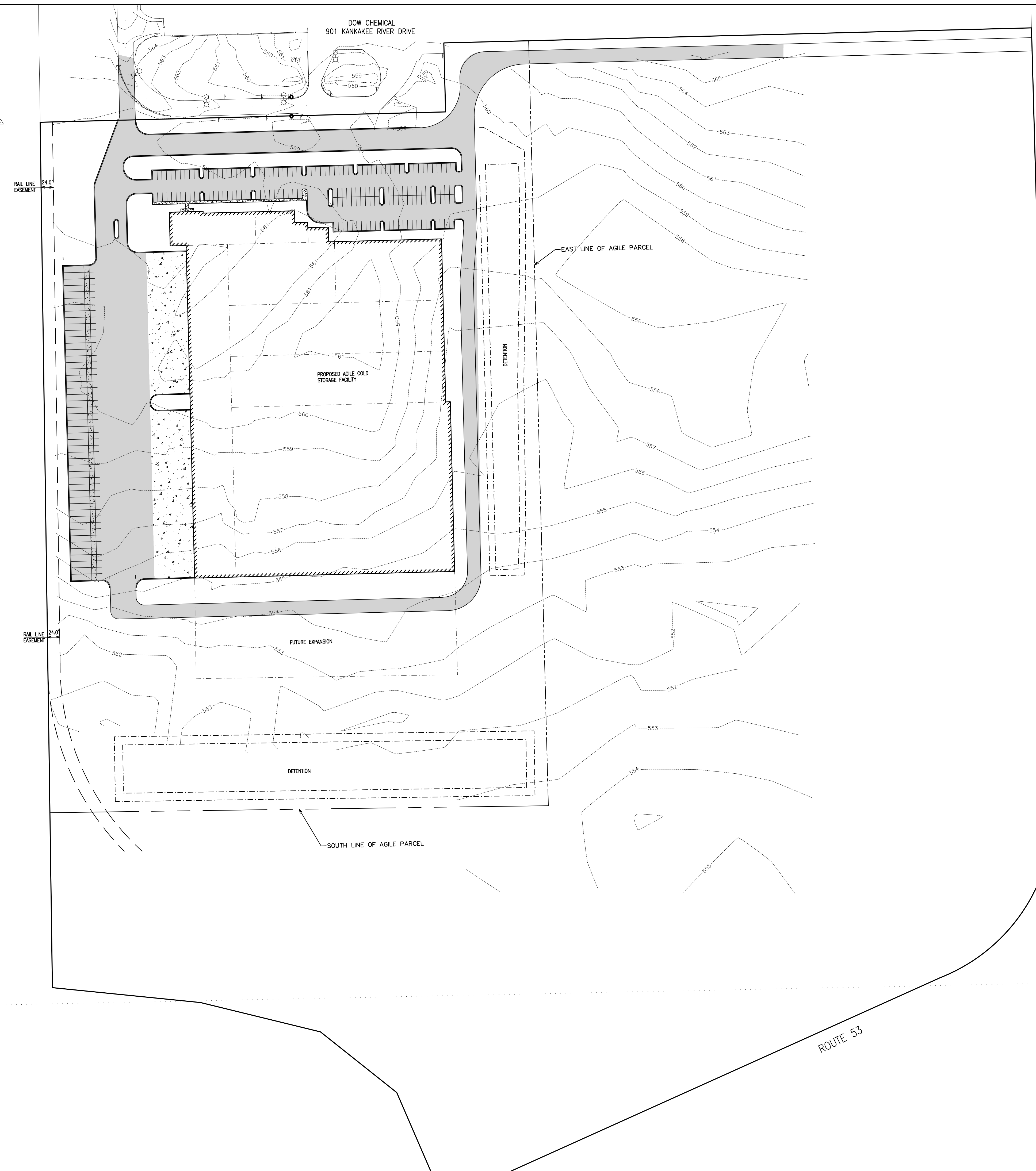


**BUILDING SECTION - HIGH RISE STORAGE1** 2  
1/16" = 1'-0" A-111(A-300)



**BUILDING SECTION - PROCESSOR1** 3  
1/16" = 1'-0" A-111(A-300)





PART OF SEC 25, T33N, R9E,  
 PIN: 17-25-200-011

**SITE DATA TABLE:**

OVERALL PARCEL AREA:	85.36 ACRES
AGILE PARCEL AREA:	30.4 ACRES
PROPOSED BUILDING:	7.9 ACRES
CAR PARKING:	162
TRAILER PARKING:	49

ROUTE 53

ROUTE 53

PRELIMINARY

8.1.22	2	PER CLIENT
7.20.22	1	NEW SITE LAYOUT
DATE	REV	REVISION

**OVERALL PLAN**

DRAWN BY: TC  
 CHECKED BY: CP

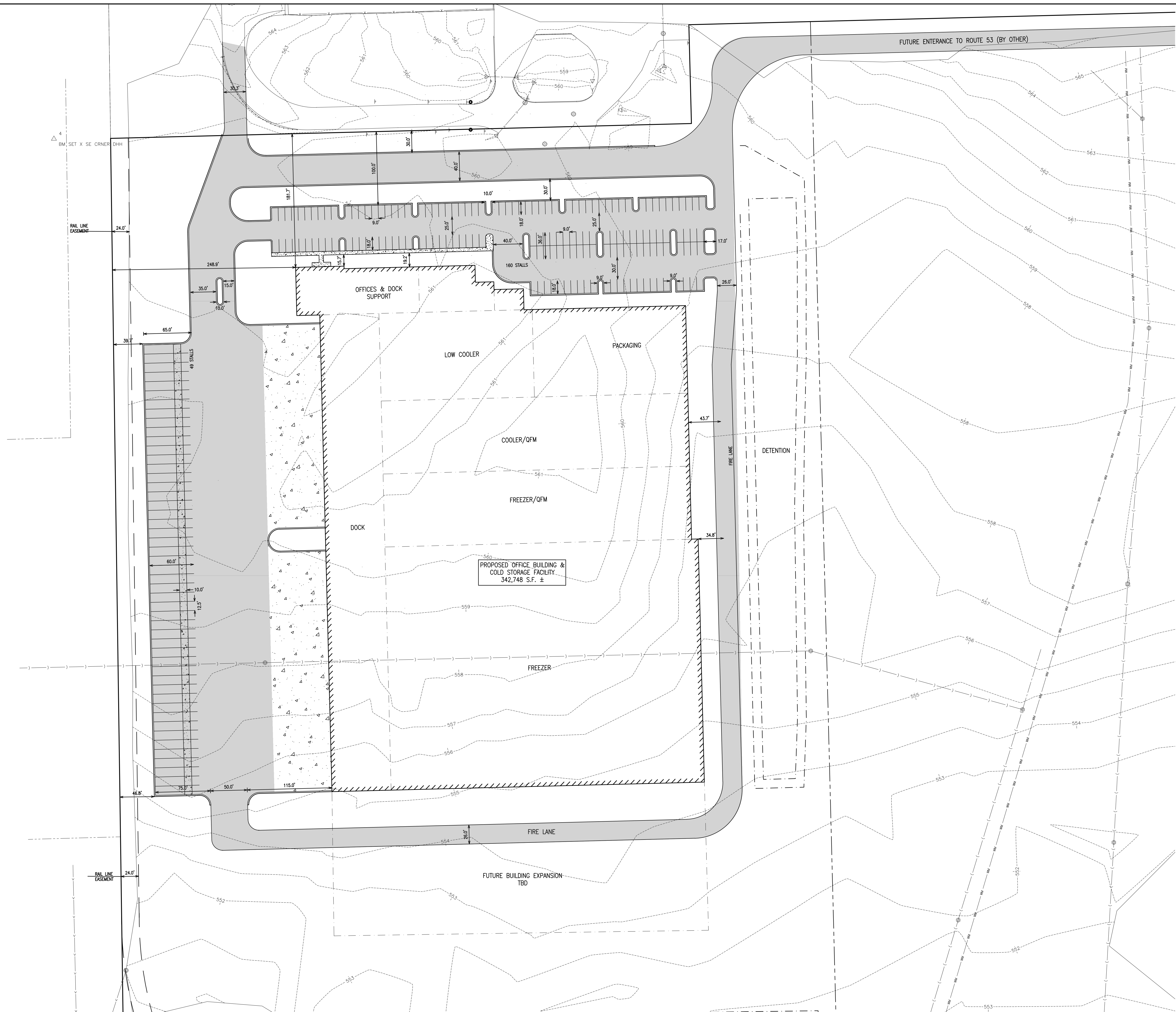
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 DATE: 11/15/2021

**AGILE COLD STORAGE  
 WILMINGTON, IL**

**GEOTECH INC.**  
 CONSULTING ENGINEERS - LAND SURVEYORS

1207 CEDARWOOD DRIVE  
 CREST HILL, ILLINOIS 60403  
 815/730-1010

21128



- NOTES:
1. SITE GEOMETRY, PAVING LIMITS, AND PAVING MATERIAL ARE ALL PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL ENGINEERING.
  2. BUILDING FOOTPRINT AND FLOOR PLAN ARE PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL ENGINEERING.

PAVEMENT LEGEND:

	BITUMINOUS PAVEMENT
	CONCRETE PAVEMENT & DOLLY PAD
	86.12 CURB & GUTTER

PRELIMINARY

8.1.22  
 7.20.22  
 DATE

2  
 PER CLIENT  
 NEW SITE LAYOUT  
 REV

GEOMETRIC PLAN

DRAWN BY: TC  
 CHECKED BY: CP

JOB#: 21128  
 DATE: 11/15/2021

AGILE COLD STORAGE  
 WILMINGTON, IL

**GEOTECH INC.**  
 CONSULTING ENGINEERS - LAND SURVEYORS

1207 CEDARWOOD DRIVE  
 CREST HILL, ILLINOIS 60403 815/730-1010

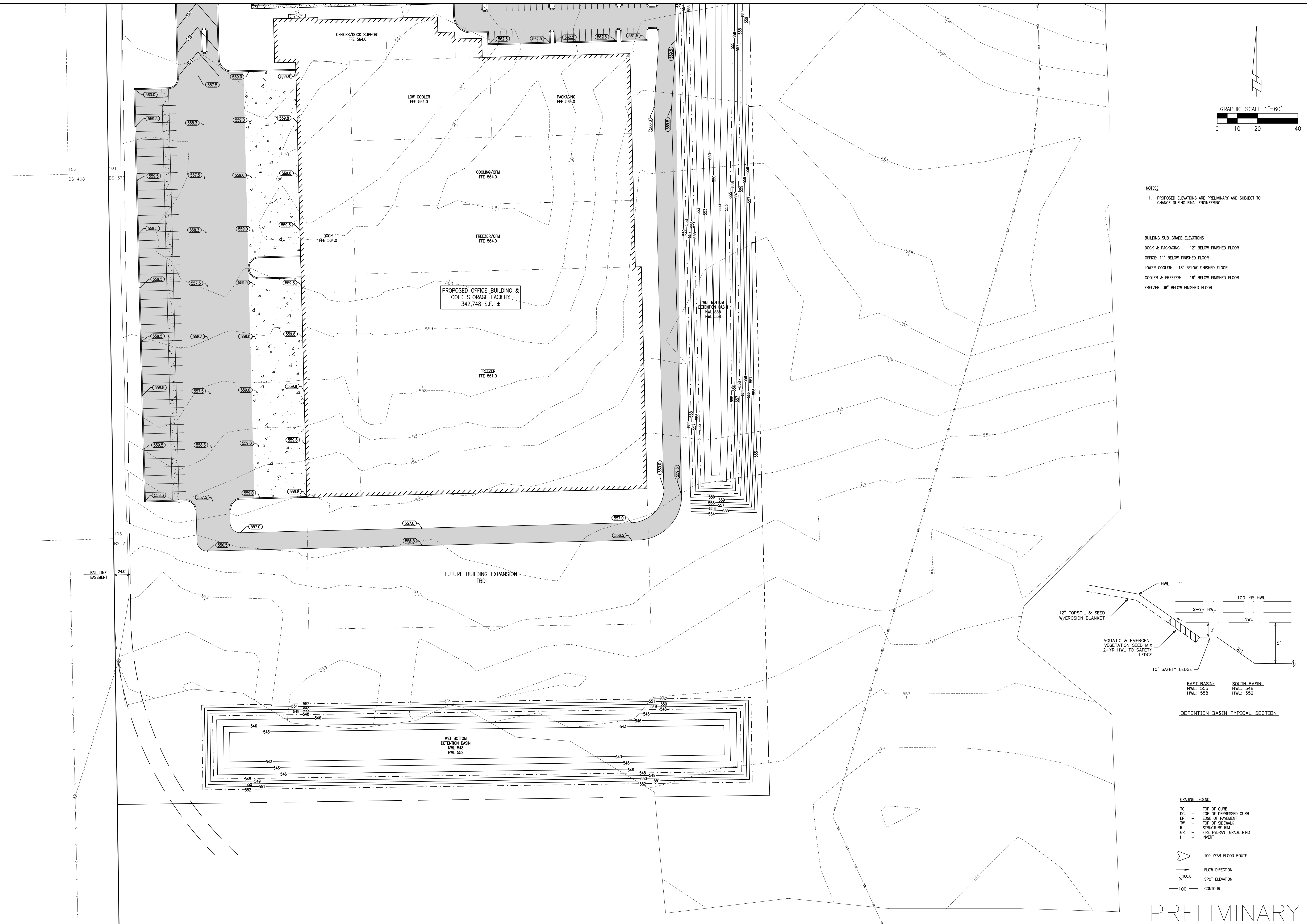
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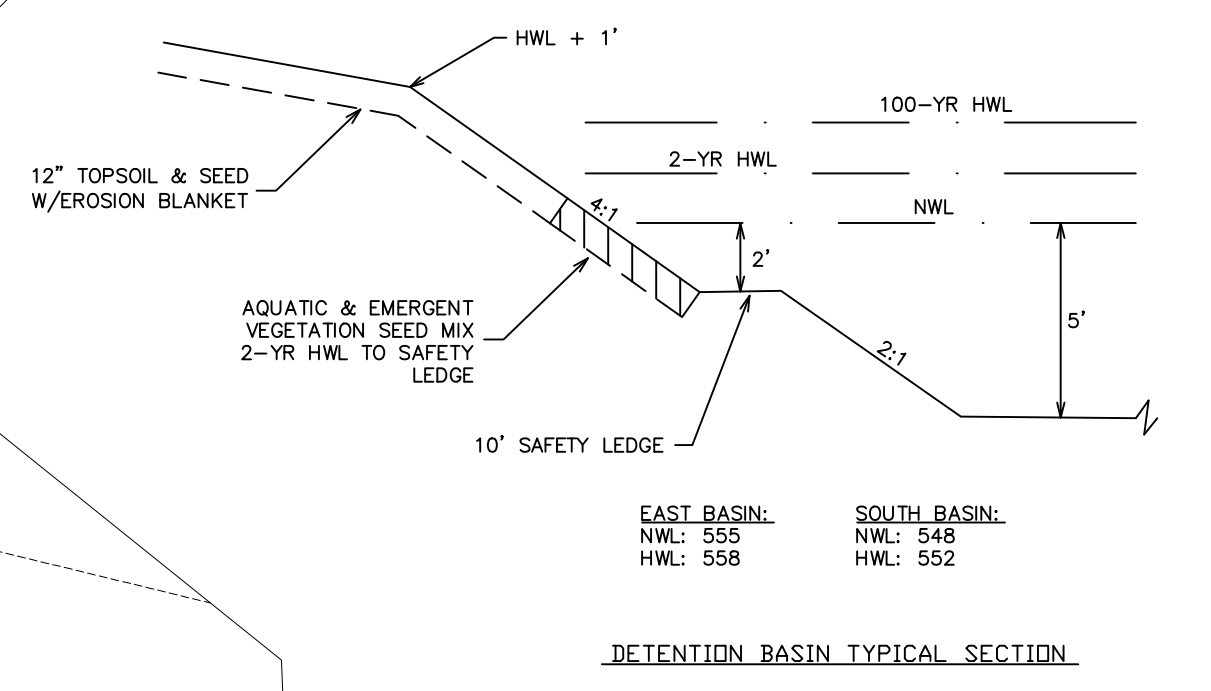


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 P:\Projects\GINT\1128\Engineering\DWG\1128\_south.dwg  
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**NOTES:**  
 1. PROPOSED ELEVATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL ENGINEERING

**BUILDING SUB-GRADE ELEVATIONS**  
 DOCK & PACKAGING: 12" BELOW FINISHED FLOOR  
 OFFICE: 11" BELOW FINISHED FLOOR  
 LOWER COOLER: 18" BELOW FINISHED FLOOR  
 COOLER & FREEZER: 16" BELOW FINISHED FLOOR  
 FREEZER: 36" BELOW FINISHED FLOOR



**EAST BASIN:** NWL: 555, HWL: 558  
**SOUTH BASIN:** NWL: 548, HWL: 552

**GRADING LEGEND:**  
 TC = TOP OF CURB  
 DC = TOP OF DEPRESSED CURB  
 EP = EDGE OF PAVEMENT  
 TW = TOP OF SIDEWALK  
 R = STRUCTURE RIM  
 GR = FIRE HYDRANT GRADE RING  
 I = INVERT

△ 100 YEAR FLOOD ROUTE  
 → FLOW DIRECTION  
 x 100.0 SPOT ELEVATION  
 -100- CONTOUR

PRELIMINARY

8.1.22 2 PER CLIENT  
 7.20.22 NEW SITE LAYOUT  
 DATE REV REVISION

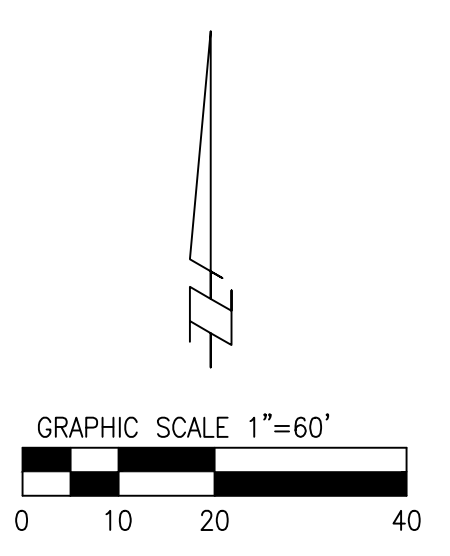
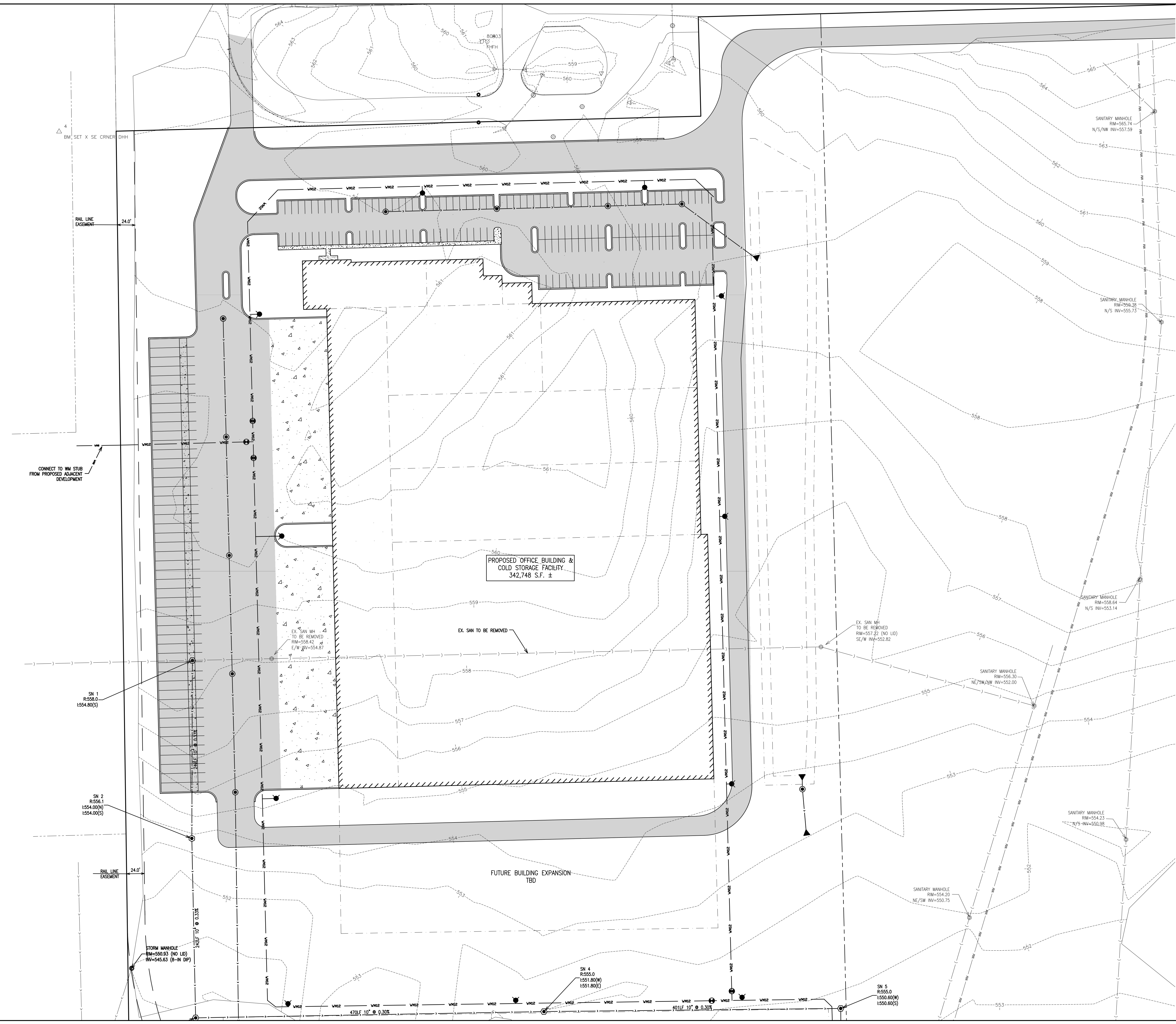
GRADING PLAN (SOUTH)  
 DRAWN BY: TC  
 CHECKED BY: CP  
 JOB#: 21128  
 DATE: 11/15/2021

AGILE COLD STORAGE  
 WILMINGTON, IL

**GEOTECH INC.**  
 CONSULTING ENGINEERS - LAND SURVEYORS  
 1207 CEDARWOOD DRIVE CREST HILL, ILLINOIS 60403 815/730-1010

21128  
 4

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NOTES:  
 1. PROPOSED UTILITIES FOR PRELIMINARY ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING

STRUCTURE/PIPE LEGEND:  
 IN = INLET  
 CB = CATCH BASIN  
 MH = STORM MANHOLE (TYPE A)  
 E = FLARED END SECTION WITH GRATE  
 TD = TRENCH DRAIN  
 W = VALVE VAULT  
 VB = VALVE BOX  
 FH = FIRE HYDRANT ASSEMBLY  
 PC = PRESSURE CONNECTION  
 SN = SANITARY MANHOLE  
 RCP = REINFORCED CONCRETE PIPE  
 PVC = POLYVINYL CHLORIDE PIPE  
 HDPE = HIGH DENSITY POLYETHYLENE PIPE

FRAME AND GRATE/LID LEGEND:  
 CONTRACTOR SHALL VERIFY MANUFACTURER & MODEL NUMBERS WITH PERMITTING ENTITY. EQUIVALENT CASTINGS MAY BE SUBSTITUTED FOR EAW MODELS WITH APPROVAL OF THE PERMITTING ENTITY. ALL LIDS SHALL BE EMBOSSED WITH "STORM", "WATER", OR "SANITARY" AS APPLICABLE AND THE NAME OF THE MUNICIPALITY.

STORM:  
 UNPAVED AREAS/PARKING AREAS: EJM 1020, TY. M2 GRATE  
 ROLLED CURB & GUTTER: EJM 7525  
 86.12 CURB & GUTTER: EJM 7210, TY. M1 GRATE & T1 BACK  
 DEPRESSED CURB & GUTTER: EJM 7210, TY. M3 GRATE

SANITARY: EJM 1020 TY. A SOLID COVER  
 WATER: EJM 1020 TY. A SOLID COVER

PRELIMINARY

8.1.22 2 PER CLIENT  
 7.20.22 1 NEW SITE LAYOUT  
 DATE REV REVISION

UTILITY PLAN (NORTH)  
 DRAWN BY: TC  
 CHECKED BY: CP  
 JOB#: 21128  
 DATE: 11/15/2021

AGILE COLD STORAGE  
 WILMINGTON, IL

**GEOTECH INC.**  
 CONSULTING ENGINEERS - LAND SURVEYORS  
 1207 CEDARWOOD DRIVE CREST HILL, ILLINOIS 60403 815/730-1010

21128  
 5







**OWNER:**  
85 WILMINGTON LLC  
2500 S. HIGHLAND AVE, SUITE 103  
LOMBARD, IL 60148

**LAND SURVEYOR:**  
RUETTIGER, TONELLI & ASSOCIATES, INC.  
129 CAPISTA DRIVE  
SHOREWOOD, ILLINOIS 60404  
Ph. (815) 744-6600

**DEVELOPER:**  
AVGERIS AND ASSOCIATES, INC.  
2500 S. HIGHLAND AVE, SUITE 103  
LOMBARD, IL 60148

P.I.N.: 03-17-25-200-011

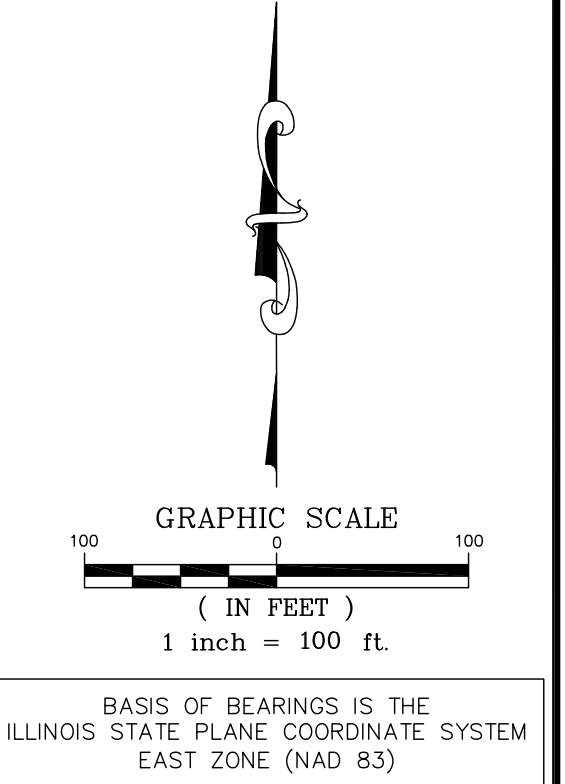
# PRELIMINARY PLAT of WILMINGTON PARK 85

A Planned Unit Development of  
the NE 1/4 and the SE 1/4 of Section 25, Township 33 North, Range 9  
East of the Third Principal Meridian, in Will County, Illinois.



**LEGAL DESCRIPTION:**  
THAT PART OF THE NORTHEAST QUARTER AND ALSO THAT PART OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE WEST 500.00 FEET OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00 DEGREES 41 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF THE WEST 500.00 FEET OF SAID NORTHEAST QUARTER, 1214.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 41 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF THE WEST 500.00 FEET OF SAID NORTHEAST QUARTER AND ALSO ALONG THE EAST LINE OF THE WEST 500.00 FEET OF SAID SOUTHWEST QUARTER, 1685.67 FEET TO A POINT ON THE CENTERLINE OF FORKED CREEK; THENCE SOUTH 82 DEGREES 51 MINUTES 04 SECONDS EAST ALONG THE CENTERLINE OF SAID CREEK, 290.69 FEET; THENCE SOUTH 50 DEGREES 04 MINUTES 43 SECONDS EAST ALONG THE CENTERLINE OF SAID CREEK, 189.97 FEET; THENCE SOUTH 21 DEGREES 56 MINUTES 44 SECONDS EAST ALONG THE CENTERLINE OF SAID CREEK, 240.69 FEET; THENCE SOUTH 50 DEGREES 04 MINUTES 43 SECONDS EAST ALONG THE CENTERLINE OF SAID CREEK, 231.21 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF ILL. ROUTE 53 PER DOCUMENT NO. 805877 AND PER DOCUMENT NO. 342726; THENCE NORTH 87 DEGREES 44 MINUTES 50 SECONDS EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE, 150.00 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, SAID LINE BEING A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 147.12 FEET AND AN ARC LENGTH OF 425.00 FEET TO A POINT OF TANGENCY ON THE WEST RIGHT OF WAY LINE OF SAID ROUTE NO. 53; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE, 1517.85 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECONDS WEST, 1144.76 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 134.20 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 790.65 FEET TO THE POINT OF BEGINNING IN WILL COUNTY, ILLINOIS.

**OFFSITE ACCESS EASEMENT:**  
A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DECLARATION OF CROSS EASEMENTS DATED JANUARY 30, 2003 RECORDED FEBRUARY 3, 2003 AS DOCUMENT NO. 2003024589 FOR THE PURPOSE OF ACCESS OVER THE LAND DESCRIBED ON EXHIBIT 'D' AND A RAIL EASEMENT OVER THE LAND DESCRIBED IN EXHIBIT 'C' ATTACHED THERETO.



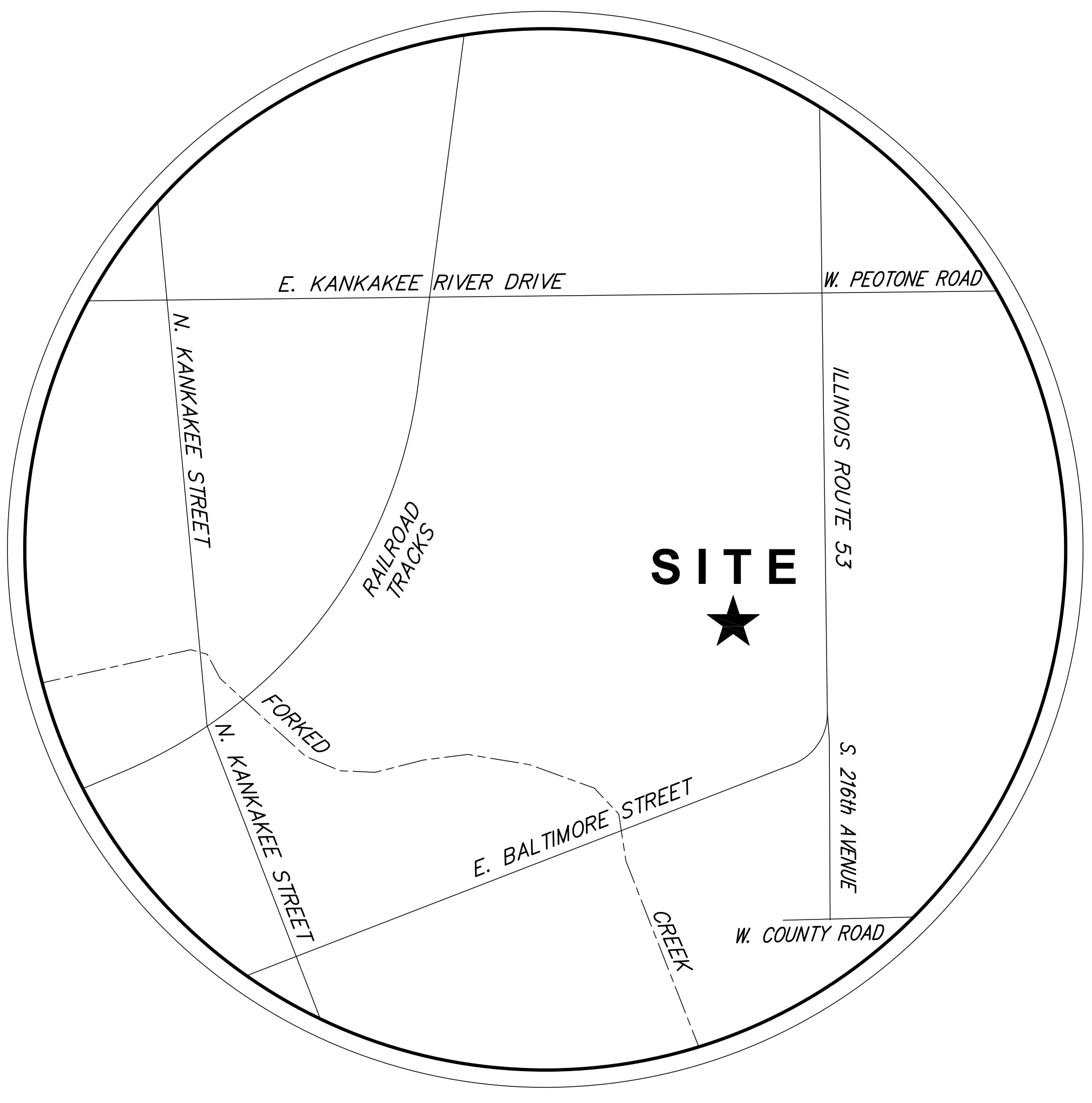
- ADJACENT PROPERTY OWNERS:**
- 1. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 2. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 3. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 4. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 5. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 6. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 7. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 8. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 9. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)
  - 10. PIA, 17-21-200-000-0000, 2200 WILMINGTON DRIVE, SUITE 103, LOMBARD, IL 60148 (PART OF LOT 1 OF WILMINGTON)

**LEGEND**

- MEASURED
- REQUIRED
- CALCULATED
- FOUND SURVEY MONUMENT
- SET 5/8" REBAR UNLESS OTHERWISE NOTED
- SUBJECT BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- SECTION LINE
- SOIL (TYPE AS NOTED)
- GUARD RAIL
- LIGHT POLE
- STONE SINKER COLLAR
- STONE SINKER FLARED END SECTION
- STONE SINKER INLET
- CORRUGATED METAL PIPE
- SANITARY SEWER FORCE MAIN
- SANITARY SEWER MANHOLE
- FLOOD HAZARD AREA, ZONE AE
- FLOODWAY LIMITS
- FLOOD HAZARD AREA, ZONE X SHADED

**PUD SUMMARY TABLE**

TOTAL AREA	85.355 ACRES
LOT 1 AREA	30.558 ACRES
LOT 2 AREA	54.797 ACRES
EXISTING ZONING	I-2 LIGHT INDUSTRIAL
PROPOSED ZONING	I-2 LIGHT INDUSTRIAL PUD
LOT 1 PUD EXCEPTIONS	100' BUILDING HEIGHT LOT FRONTAGE TO 0'



**SITE LOCATION MAP**  
NOT TO SCALE

PRELIMINARY PLAT IS RECOMMENDED BY THE CITY OF WILMINGTON PLANNING COMMISSION FOR APPROVAL THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_.

PRELIMINARY PLAT WAS APPROVED BY THE CITY OF WILMINGTON CITY COUNCIL AT A MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_ 20\_\_.

CITY \_\_\_\_\_

ATTEST \_\_\_\_\_

Latest Revision: 06/09/2022  
Date Prepared: 07/16/2022

**Ruettiger, Tonelli & Associates, Inc.**  
Surveyors • Engineers • Planners • Landscape Architects • GIS Consultants  
129 CAPISTA DRIVE • SHOREWOOD, ILLINOIS 60404  
PH. (815) 744-6600 FAX (815) 744-6601  
website: www.ruettigeroni.com

**ORDINANCE NO:** \_\_\_\_\_

**AN ORDINANCE GRANTING CONDITIONAL USES FOR A PLANNED UNIT DEVELOPMENT, APPROVING A PRELIMINARY PLAT OF PLANNED UNIT DEVELOPMENT AND APPROVING A PRELIMINARY SITE PLAN FOR PHASE 1**

**(85 Wilmington LLC and Agile Cold Storage)  
(PIN No. 03-17-25-200-011-0000)**

---

**WHEREAS**, the property legally described in Exhibit A attached hereto (the “Property”) has previously been annexed to the City of Wilmington and zoned in the I-2 Zoning District; and

**WHEREAS**, 85 Wilmington LLC is the Owner of the Property submitted a Planning and Zoning Application Form, attached hereto as Exhibit B, and has requested approval of a Plat of Planned Unit Development for Phase 1, legally described in Exhibit C, and Phase 2, legally described in Exhibit D; and

**WHEREAS**, the Agile Cold Storage, the potential purchaser and developer of Phase 2, joins in 85 Wilmington LLC’s requests as it relates to Phase 1, as well as individually requesting approval of a Final Site Plan of Phase 1 to develop Phase 1 with an approximately 300,000 square foot multi-temp cold storage facility; and

**WHEREAS**, Agile Cold Storage, in conjunction with the Planned Unit Development request is requesting approval for Phase 1 the following

- i. Conditional Use, as set forth in Section 150.64(D)(5), to allow for a maximum building height of 100 feet, as long as all yard setbacks are increased by a ratio of one foot for each two feet, or portion thereof, of increased building height over 45 feet, provided that no front yard setback exceed 150 feet and no side or rear yard exceed 75 feet;
- ii. Varying the requirement set forth in Section 150.81(D) to allow for a lot without public roadway frontage; and
- iii. Varying the requirement set forth in Section 152.102 to allow for utilities that are not located within the right of way and in locations not previously approved by the City’s engineer; and

**WHEREAS**, on the 12<sup>th</sup> day of September, 2022, the Planning and Zoning Commission of the City of Wilmington has conducted a public hearing after having provided the required notices on such requests as required by law, and has submitted its Findings of Fact and recommendations to the Corporate Authorities for the City of Wilmington; and

**WHEREAS**, the Planning and Zoning Commission recommended the approval of the Preliminary Plat of Planned Unit Development as hereinafter set forth; and



**WHEREAS**, City Council for the City of Wilmington is familiar with the evidence and testimony presented at the public hearing and the staff report submitted; and

**WHEREAS**, it is hereby found and determined by the City Council for the City of Wilmington, based upon the findings of the Planning and Zoning Commission and on the evidence presented, that the requisite findings of fact support approval of the aforementioned requests:

**WHEREAS**, this Ordinance is designed to provide the approvals necessary for Agile Cold Storage to begin development of Phase 1; and

**WHEREAS**, the 85 Wilmington LLC desires to develop the Phase 2 in the future, and this Ordinance is further intended to grant preliminary approvals for the Phase 2 subject to additional approvals through the City's required procedures after such requests are made by 85 Wilmington LLC, or by the then owners of Phase 2; and

**WHEREAS**, the Corporate Authorities for the City of Wilmington, after due and careful consideration, concluded that the Conditional uses for the Property under the terms and conditions herein set forth, will enable the City to control the development of the area and will serve the best interests of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

**SECTION 1.**            **INCORPORATION OF PREAMBLE AND EXHIBITS**

That the Preamble and all Exhibits to this Ordinance are incorporated herein as if fully set forth in this Section 1.

**SECTION 2.**            **PLANNED UNIT DEVELOPMENT AND CONDITIONAL USES**

A Conditional use is hereby granted to develop the Property as a Planned Unit Development ("PUD") subject to the terms and conditions of this Ordinance and all applicable Ordinances of the City, as set forth in the Preliminary Plat of Wilmington Park 85, a Planned Unit Development, attached hereto as Exhibit E, except as specifically modified herein. The Property shall be developed as Phase 1 and Phase 2 and subject to the regulations set forth below.

**SECTION 3.**            **PHASE 1 - PLANNED UNIT DEVELOPMENT**

Phase 1 of the Planned Unit Development is subject to the following conditions:

a. Phase 1 - Site Plan

Phase 1 shall be developed in conformance with:

- i. the Preliminary Plan package attached hereto as Group Exhibit F;
- ii. Group Exhibit F shall contain a Site Plan, Overall Plan, Geometric Plan, Grading Plan (North and South), Utility Plan (North and South), and Landscape

Plan (North and South), all dated as of \_\_\_\_\_ (collectively the “Phase 1 Site Plan”); and

- iii. Final plats and site plans must be approved by the City of Wilmington, subject to applicable ordinances, regulations, and laws in effect at the time of submission.
- b. Variances and Conditional Uses are granted to permit the following uses on Phase 1:
- i. Conditional Use, as set forth in Section 150.64(D)(5), to allow for a maximum building height of 100 feet, as long as all yard setbacks are increased by a ratio of one foot for each two feet, or portion thereof, of increased building height over 45 feet, provided that no front yard setback exceed 150 feet and no side or rear yard exceed 75 feet;
  - ii. Varying the requirement set forth in Section 150.81(D) to allow for a lot without public roadway frontage; and
  - iii. Varying the requirement set forth in Section 152.102 to allow for utilities that are not located within the right of way and in locations not previously approved by the City’s engineer.

**SECTION 4. PHASE 2 - PLANNED UNIT DEVELOPMENT**

Phase 2 of the Planned Unit Development is subject to the following conditions:

- a. Phase 2 - Site Plan
- i. Phase 2 shall be developed in conformance and shall comply with the then existing applicable ordinances and laws.
  - ii. Preliminary and final plats and site plans must be approved by the City of Wilmington, subject to applicable ordinances, regulations, and laws in effect at the time of submission.
- b. Variances and Conditional Uses are granted to permit the following uses on Phase 1:
- i. Varying the requirement set forth in Section 152.102 to allow for utilities that are not located within the right of way and in locations not previously approved by the City’s engineer.

**SECTION 5. ADDITIONAL CONDITIONS AND DEVELOPMENT OF THE FUTURE DEVELOPMENT PROPERTY**

- a. The following are conditions on the approvals for Phase 1 and Phase 2 set forth in this Ordinance:
- i. Within five years from the approval of this Ordinance or prior to the development of Phase 1, whichever comes first, 85 Wilmington LLC and Agile Cold Storage, or the then existing owners, must construct a permanent access roadway to enter and exit Route 53, as depicted on the Preliminary Plat of Wilmington Park 85, a Planned Unit Development, attached hereto as Exhibit E. The permanent access roadway

development shall, in all respects, comply with the requirements of IDOT, including any and all improvements required on Route 53.

- ii. Upon development of Phase 2, the then existing owner or owners shall design and install, at its own expense, a paved multiuse asphalt path alongside Route 53. The design and location of the multiuse path must be reviewed and approved by the City prior to construction of such path. Upon completion of construction and after obtaining City approval, the multiuse path shall then be dedicated to the City.
- iii. All applicable City Ordinances must be complied with.
- iv. Final plat(s) and site plans for the Property and each Phase, including but not limited to a Final Plat of Planned United Development, must be approved by the City of Wilmington, subject to applicable ordinances, regulations, and laws in effect at the time of submission.
- v. All common areas of the Property will be under unified maintenance.

**SECTION 6.**                    **SUCCESSORS**

This Ordinance shall be binding upon and in full force and effect with regard to any successors in interest to the Owner. Any such successor shall benefit from and be obligated to comply with all of the terms, requirements, limitations, and conditions set forth in this Ordinance as to any portion of the Development owned by it or in which it has any interest.

**SECTION 7.**                    **SEVERABILITY**

In the event any word, phrase, clause, sentence, paragraph, provision or section of this ordinance, or any part thereof, shall be held to be unconstitutional, unenforceable or void, the same shall not affect the validity or enforceability of any remaining words, phrases, clauses, sentences, paragraphs, provisions or sections of this ordinance.

**SECTION 8.**                    **REPEALER**

All ordinances or parts thereof which conflict with any term, condition, provision or section of this Ordinance be and the same are hereby repealed.

**SECTION 9.**                    **EFFECTIVE DATE**

This Ordinance shall be effective after its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022 with \_\_\_\_ members voting aye, \_\_\_\_ members voting nay, the Mayor voting \_\_\_\_\_, with \_\_\_\_ members abstaining or passing and said vote being:

Kevin Kirwin	_____	Ryan Jeffries	_____
Dennis Vice	_____	Ryan Knight	_____
Leslie Allred	_____	Jonathan Mietzner	_____
Todd Holmes	_____	Thomas Smith	_____

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Ben Dietz, Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk

**SECTION 11.**      **AMENDMENT**

This Ordinance may from time to time be amended by agreement between the City and the Owners of Record of the Property for which the amendment is sought. The consent of the Record Owners of other portions of the Property is required.

Agreed to this \_\_\_\_ day of \_\_\_\_\_, 2022

85 WILMINGTON LLC:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

DEVELOPER:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**Exhibit List**

- Exhibit A            “Property” Legal Description
- Exhibit B            Planning and Zoning Application Form
- Exhibit C            Legal Description - Phase 1
- Exhibit D            Legal Description – Phase 2
- Exhibit E            Preliminary Plat of Wilmington Park 85, a Planned Unit Development
- Exhibit F            Preliminary Site Plan – Phase 1

DRAFT



CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS .} Ss.  
County of Will,

Certificate of the Publisher

**Free Press Newspapers** certifies that it is the publisher of the The Free Press Advocate

The Free Press Advocate is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of Wilmington, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5. A notice, relating to the matter of:

**City of Wilmington hearing would allow city to establish historic landmarks**

a true copy of which is attached, was published one times in The Free Press Advocate, namely one time per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on August 24, 2022, and the last publication of the notice was made in the newspaper dated and published on August 24, 2022. This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1. In witness, the Free Press Advocate has signed this certificate by **Eric D Fisher**, its publisher, at Wilmington, Illinois, on August 24, 2022.

**Free Press Newspapers**

By Eric D. Fisher Publisher  
Eric D. Fisher

Printer's Fee \$ 86.40

Given under my hand on August 24, 2022

Janet M. Fisher  
Janet M. Fisher, Notary Public  
**OFFICIAL SEAL**  
**JANET M FISHER**  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 12/15/24

*City of Wilmington hearing would allow city to establish historic landmarks*

**PUBLIC NOTICE**

**NOTICE OF PUBLIC HEARING**

A PUBLIC HEARING WILL BE HELD AT THE CITY OF WILMINGTON PLANNING & ZONING MEETING ON MONDAY, SEPTEMBER 12, 2022 AT 5:00 P.M. AT CITY HALL OF WILMINGTON, 1165 SOUTH WATER STREET, WILMINGTON, IL 60481 TO CONSIDER THE FOLLOWING:

A TEXT AMENDMENT TO CHAPTER 150 – ZONING ORDINANCE OF THE CITY OF WILMINGTON CODE OF ORDINANCES TO INCLUDE PROCEDURES THAT ALLOW FOR THE CITY OF WILMINGTON TO DESIGNATE OFFICIAL HISTORIC LANDMARKS WITHIN THE CITY OF WILMINGTON ON PUBLIC AND PRIVATE PROPERTY AND TO PROVIDE FOR REGULATIONS OF SUCH HISTORIC LANDMARKS, INCLUDING THE PROHIBITION TO CONSTRUCT, MOVE, ALTER, CHANGE, MAKE ADDITION TO, MAKE ANY IMPROVEMENT TO, ADD STRUCTURES OR BUILDINGS ON A LOT OR TRACT WITH A DESIGNATED HISTORICAL LANDMARK, DEMOLISH OR REMOVE THE EXTERIOR OR ANY ASPECT OF THE EXTERIOR OF ANY DESIGNATED HISTORIC LANDMARK.

ALL PERSONS INTERESTED IN ATTENDING ARE INVITED TO DO SO AND WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. PURSUANT TO SECTION 7(E) OF THE ILLINOIS OPEN MEETINGS ACT, 5 ILCS 120/7(E), AND GUIDANCE PROVIDED BY LEGAL COUNSEL, THE CITY OF WILMINGTON MAY CONDUCT ALL OR PORTIONS OF THIS MEETING BY USE OF TELEPHONIC OR ELECTRONIC MEANS WITHOUT A PHYSICAL QUORUM PRESENT IN THE BOARDROOM. PUBLIC ACCESS TO THIS MEETING IS AVAILABLE AS FOLLOWS:

JOIN ZOOM MEETING BY VIDEO:

<https://us02web.zoom.us/j/86737492480?pwd=VmtFYQ1FYcVJlUWJNRnJpc3FmRDBMU009>

JOIN ZOOM MEETING BY PHONE: 1 312 626 6799 US (Chicago)

MEETING ID: 867 3749 2480

PASSCODE: 396642

ALL PERSONS INTERESTED IN ATTENDING ARE INVITED TO DO SO AND WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. ADDITIONAL INFORMATION ON SUCH A REQUEST CAN BE OBTAINED FROM THE CITY OF WILMINGTON AT 1165 S. WATER STREET, WILMINGTON, IL 1-815-476-2175.

JOIE ZILLER  
DEPUTY CITY CLERK  
CITY OF WILMINGTON

Published in the Free Press Advocate on Wednesday, Aug. 24, 2022.

# City of Wilmington Planning and Zoning Staff Report

**SUBJECT:** Text Amendment to the City of Wilmington Zoning Code to Provide for a Procedure to Designate Historic Landmarks and Related Regulations

**AGENDA ITEM:** 6

**MEETING DATE:** September 8, 2022

**TO:** Honorable Members of the City of Wilmington Planning and Zoning Commission

**FROM:** Jeannine Smith, City Administrator

---

**ACTION REQUESTED:**

Recommendation to the Wilmington City Council to adopt an ordinance amending Chapter 150 to add Article 10 – Historic Preservation

**BACKGROUND:**

The City of Wilmington has a rich history dating back to the early 1800's when Thomas Cox acquired 400 acres from the government to build a sawmill, corn cracker, gristmill, and carding machine. Farmers all over the region would bring their grains to Cox's mills to be ground. In 1836, Mr. Cox laid out the lots to create a town called Winchester which would eventually be named Wilmington. In 1865, Wilmington was incorporated as an Illinois municipality. The City served the transportation industry of the day along the Illinois & Michigan Canal and as a way-station on the Underground Railroad. Many historic structures still stand and are named in the National Registry of Historic Places as well as the Will County Registry of Historic Places.

Today, Wilmington is known for its beautiful open spaces, the Kankakee National Water Trail, quaint antique shops in its historic downtown district and Route 66 which brings travelers from all over the world to enjoy the now famous historic landmarks along its path as it meanders from Chicago to L.A.

**PETITIONER'S NARRATIVE:**

During a recent City Council meeting there was discussion regarding several historical landmarks within the City which are privately owned. As they are not currently registered as historic landmarks, the City Council was concerned for the maintenance and preservation of these structures and places, and directed staff to present a solution. The attached ordinance provides for a procedure to that end.

**DISCUSSION AND FINDINGS OF FACT:**

Section 150.13 of the City of Wilmington Zoning Code provides that the city council may from time to time amend the regulations imposed and the districts created by Chapter 150 after a public hearing before the Planning and Zoning Commission as follows:

(A) At least 15 days but not more than 30 days prior to the public hearing, notice of the time and place of the hearing shall be published in a paper of general circulation in the city.

(B) The city planner shall prepare and submit a report to the PZC outlining the intent and purpose of the text amendment and make recommendation to the PZC.

(C) The PZC shall hold a public hearing and shall consider the proposed text amendment and relevant facts presented by the applicant, the public or city staff. Once the PZC is satisfied that they have heard all of the relevant facts, they shall recommend to the city council approval or denial of the proposed text amendment or the approval of a modified version of the proposed text amendment.

(D) After recommendation by the PZC, the city council may, by ordinance, approve, deny or approve with modification, the proposed text amendment.

Staff has submitted to the City's Deputy Clerk, the notice of publication in the Free Press Newspaper that identified the time, place and location of this hearing. Staff maintains that the Ordinance before you for consideration is in the City of Wilmington's best interest as it serves to preserve Wilmington's historical structures and places not already registered at the County or National level. Finally, once adopted, this Ordinance will provide the vehicle by which the City may become a certified city with the State of Illinois Historic Preservation Agency. This designation will open the door for future grant funding needed to maintain and preserve Wilmington's historic landmarks.

**SUGGESTED RECOMMENDATION:**

**Staff respectfully requests a recommendation in the affirmative to adopt Ordinance No. 22-09-20-01, a Text Amendment to the City of Wilmington Zoning Code to Provide for a Procedure to Designate Historic Landmarks and Related Regulations**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CITY OF WILMINGTON ZONING CODE TO PROVIDE FOR A PROCEDURE TO DESIGNATE HISTORIC LANDMARKS AND RELATED REGULATIONS**

**WHEREAS**, the City of Wilmington is an Illinois municipal corporation; and

**WHEREAS**, Section 11-48.2-2 of the Illinois Municipal Code (65 ILCS 5/11-48.2-2) states the following:

“The corporate authorities in all municipalities shall have the power to provide for the official landmark designation by ordinance of areas, places, buildings, structures, works of art and other objects having a special historical, community, or aesthetic interest or value; and in connection with such areas, places, buildings, structures, works of art or other objects so designated by ordinance, whether owned or controlled privately or by any public body, to provide special conditions, to impose regulations governing construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation, or use...”;

and;

**WHEREAS**, Section 11-48.2-4 of the Illinois Municipal Code (65 ILCS 5/11-48.2-4) states the following:

“No action taken by the municipality under this section directing a private owner to do or refrain from doing any specific thing, or refusing to permit a private owner to do some specific thing he desires to do, in connection with property designated by ordinance hereunder, shall be taken by the municipality except after due notice to such owner and opportunity for him to be heard at a public hearing...”

and;

**WHEREAS**, members of City Council made a request to the City Administrator to adopt procedures to designate official historic landmarks; and

**WHEREAS**, after notice being provided to the public, the Planning and Zoning Commission held a public hearing to consider a text amendment to include procedures to designate official historic landmarks, and after such public hearing, the Planning and Zoning Commission made a recommendation to City Council to adopt procedures consistent with the Illinois Municipal Code regarding the designation of historic landmarks.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

**SECTION 1: HISTORIC LANDMARK PROCEDURES**

That Chapter 150 Zoning Ordinance of the City of Wilmington Code of Ordinances be hereby amended to include the following:

**TITLE XV – LAND USAGE**

**CHAPTER 150 – ZONING ORDINANCE**

**ARTICLE 10 – HISTORIC PRESERVATION**

**§ 150.120 DESIGNATION OF HISTORIC LANDMARKS.**

(A) Designation of Historic Landmarks:

(1) Procedures For Designation:

- (a) Any person, group, group of persons, association, the commission, or the city council may institute a request for a historic landmark designation for any structure or site in the City which may have historic significance. All designations of landmarks in the city are subject to review by City Council. Notification for such public hearings shall provide due notice to the owner(s) of the property, and an opportunity to be heard at the public hearing.
- (b) The City Council shall make a determination on the designation based upon criteria in subsection (A)(2) of this section.

(2) Designation Criteria: In making its findings for designation of a landmark structure and/or site, the City Council shall consider the following criteria concerning such structure and/or site:

- (a) Its character, interest or value as part of the development, heritage or cultural characteristics of the city, county, state, or the United States;
- (b) Its location as a site of a significant historic event;
- (c) Its identification with a person or persons who significantly contributed to the culture or development of the city, county, state or the United States;
- (d) Its exemplification of the cultural, economic, social or historic heritage of the city, county, state or the United States;
- (e) Its portrayal of the environment of a group in an era of history characterized by the distinctive architectural style;
- (f) Its embodiment of distinguishing characteristics of an architectural type;
- (g) Its identification as the work of an architect or master builder whose individual work has influenced the development of the city, county, state or the United States;
- (h) Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation;
- (i) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif;
- (j) Its unique location or singular physical characteristic representing an established or familiar visual feature of a neighborhood, community or the city or county;
- (k) Its archaeological significance to the community, city, county, state and the United States;
- (l) Its vernacular culture (utilitarian purpose without consideration of aesthetic value); or

- (m) Its economic and functional potential.
- (B) Regulation of Construction, Rehabilitation, Demolition, and Removal; Historic Landmarks:
- (1) It shall be unlawful for any person to construct, move, alter, change, make addition to, make any improvement to, add structures or buildings on a lot or tract with a designated historical landmark, demolish or remove the exterior or any aspect of the exterior of any designated historic landmark, unless the city has previously authorized such work. Prior approval shall not be required for ordinary repair and maintenance, in which there is no exterior change in appearance or materials, or changes in color. It shall be unlawful to change the color of the exterior of a designated historic landmark.
  - (2) Plans for the alteration of the exterior of a designated historic landmark or new construction to a designated historic landmark on a lot with a designated historic landmark shall be processed in the same manner as subsection 150.12 of the zoning code.
  - (3) In addition to the findings of fact set forth in Section 150.12, in reviewing the proposed plans, the Planning and Zoning Board shall determine:
    - (a) Whether the proposed work will highlight or positively enhance any exterior architectural feature of the improvement upon which said work is to be done.
    - (b) Whether the proposed work will detract from those characteristics and qualities which deem the structure or site a landmark.
    - (c) Whether the proposed work will have a positive effect on the use of the landmark.
    - (d) Whether the proposed work is consistent with the Secretary of the Interior's standards for rehabilitation.
  - (4) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark which does not involve a change in design, material, color or the outward appearance thereof; nor to prevent any alteration or demolition which the City Administrator, or its designee, shall certify is required for the public safety due to an unsafe or dangerous condition.

## **SECTION 2: SEVERABILITY**

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

## **SECTION 3: REPEALER**

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

## **SECTION 4: EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022 with \_\_\_\_ members voting aye, \_\_\_\_ members voting nay, the Mayor voting \_\_\_\_\_, with \_\_\_\_ members abstaining or passing and said vote being:

Kevin Kirwin \_\_\_\_\_  
Dennis Vice \_\_\_\_\_  
Leslie Allred \_\_\_\_\_  
Todd Holmes \_\_\_\_\_

Ryan Jeffries \_\_\_\_\_  
Ryan Knight \_\_\_\_\_  
Jonathan Mietzner \_\_\_\_\_  
Thomas Smith \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Ben Dietz, Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk

