



City of Wilmington
Planning & Zoning Commission
Thursday, December 5, 2019 at 5:00 p.m.

Location & Time

Council Chamber
Wilmington City Hall
1165 S. Water Street
5:00 p.m. 12/05/19

**Planning & Zoning
Commission Members**

Bryan Humphries, Chairman
Larry Clennon
Jonathan Jones
Ken Kulpa
Chris Smith
John Tryner
Gina Wysocki

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
5. Approve to Elect _____ as Chairman for the December 5, 2019 Planning & Zoning Commission Meeting
6. Review and Approve the November 7, 2019 Meeting Minutes
7. Public Hearing
 Petitioner: Mill Street Investments, LLC
 Location: Northeast Corner of Mill and Main
 [PIN 03-17-25-330-003-0000]
 Request: Planned Unit Development "PUD" along with
 Variances for a PUD
8. Commissioners Review/Approval/Recommendation of Request from
 Petitioner of Mill Street Investments, LLC [PIN 03-17-25-330-003-0000]
9. Public Comment
 (State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01)
10. Adjournment

Minutes to the City of Wilmington
Planning and Zoning Commission Meeting
Wilmington City Hall
1165 South Water Street
Thursday, November 7, 2019 at 5:00 PM

Call to Order

The November 7, 2019 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:36 p.m. by Chairman Bryan Humphries in the Council Chambers of the Wilmington City Hall.

Roll Call

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

Commissioners Humphries, Jones, Kulpa, Wysocki

Commissioner’s Absent

Clennon, Tryner and Smith

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 was the Deputy City Clerk/City Administrator Joie Ziller and Building Inspector Rick Smith

Approval of Minutes

Commissioner Jones made a motion and Commissioner Kulpa seconded to approve the August 15, 2019 Planning & Zoning meeting minutes as written and have them placed on file after amendment is made

Upon roll call, the vote was:

AYES: 4 Jones, Kulpa, Wysocki, Humphries

NAYS: 0

ABSENT: 3 Clennon, Smith, Tryner

Motion passed.

Public Hearing

Petitioner: Mill Street Investments, LLC

Location: Northeast Corner of Mill and Main
 [PIN 03-17-25-330-003-0000]

Request: Planned Unit Development “PUD” along with Variances for a PUD

Commissioner Humphries announced that a quorum was not present and the public hearing for the proposed new construction of Fox’s Pizza could not be held this evening as he has an interest in a business that may submit a bid to construct the proposed building; therefore, he has to recuse himself from the discussion and recuse himself from the vote. This public hearing will be rescheduled to a later date and the City will be responsible for the costs associated with the public hearing notices and publications.

Public Hearing

Petitioner: Jeffrey Hubrich
Location: 330 North First Street
[PIN 03-17-26-404-020-0000]
[PIN 03-17-26-404-007-0000]
Request: MAP Amendment

Commissioner Kulpa made a motion and Commissioner Wysocki seconded to open the public hearing at 5:39 p.m.

Upon roll call, the vote was:

AYES: 4 Kulpa, Wysocki, Jones, Humphries
NAYS: 0
ABSENT: 3 Clennon, Smith, Tryner

Motion passed.

Jeffrey Hubrich, petitioner, introduced himself to the Commission and explained why he is making the request to re-zone his properties First Street to I2, Light Industrial. Mr. Hubrich plans to use the property as a classic car dealership.

Commissioner Jones made a motion and Commissioner Wysocki seconded to close the public hearing at 5:56 p.m.

Upon roll call, the vote was:

AYES: 4 Kulpa, Wysocki, Jones, Humphries
NAYS: 0
ABSENT: 3 Clennon, Smith, Tryner

Motion passed.

Commissioners Review/Approval/Recommendation

Commissioner Jones made a motion and Commissioner Wysocki seconded to recommend approval to the City Council of the Map Amendment the properties at 330 N. First Street [PIN 03-17-26-404-020-0000 & PIN 03-17-26-404-007-0000] to I2, Light Industrial

Upon roll call, the vote was:

AYES: 4 Kulpa, Wysocki, Jones, Humphries
NAYS: 0
ABSENT: 3 Clennon, Smith, Tryner

Motion passed.

Gary VanDuyne – variances for proposed new home

Prior to completing the necessary paperwork Gary VanDuyne wanted to discuss the construction of his new home on a corner lot at Oak. Mr. VanDuyne will need variance on setbacks due to the size of the lot, size of the house and position of the house. The Commission recommended that he speak with the property owners surrounding the property to see how they felt about his project since he had not yet purchased the property.

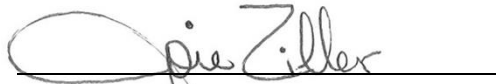
Public Comment

No public comment was made.

Adjournment

Motion to adjourn the meeting made by Commissioner Jones and seconded by Commissioner Kulpa. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on November 7, 2019 adjourned at 6:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joie Ziller". The signature is written in dark ink and is positioned above a solid 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, township 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: **Planning & Zoning hearing for lot at Main & Mill Streets**

a true copy of which is attached, was published one time in The Free Press Advocate, namely one time per week for 1 successive week. The first publication of the notice was made in the newspaper, dated and published on November 13, 2019, and the last publication of the notice was made in the newspaper dated and published on November 13, 2019. 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 November 13, 2019.

Free Press Newspapers

By Eric D. Fisher Publisher
Eric D. Fisher

Printer's Fee \$ 44.00

Given under my hand on November 13, 2019

Janet M. Fisher

Janet M. Fisher, Notary Public



*Planning & Zoning
hearing for lot at
Main & Mill Streets*

**NOTICE OF
PUBLIC HEARING**

Planning and Zoning Commission of
the City of Wilmington, IL

Notice is hereby given that on December 5, 2019 at 5:00 p.m., a Public Hearing will be held by the Planning and Zoning Commission of the City of Wilmington at the City Hall located at 1165 South Water Street, Wilmington, IL. 60481, for the purpose of receiving and considering testimony and public comments on the request of petitioner and owner of property, Mill Street Investments, LLC, 849 Cambridge Ct., Wilmington, IL, in regards to a petition submitted for a conditional use permit for a planned unit development ("PUD") along with variances for a PUD of less than one (1) acre and a North Main Street setback variance from 40 feet to 14.5 feet and a Mill Street setback variance from 40 feet to 27 feet for property located at the northwest corner of Main Street and Mill Street, Wilmington, Illinois. The property is legally described as follows:

**Lot 7 and 8, Block 29 IN THE ORIGINAL TOWN OF WINCHESTER, NOW CITY OF WILMINGTON, A SUB IN THE W1/2 SW1/4 OF SEC 25, T33N-R9E.
PINs: 03-17-25-330-003-0000**

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 Zoning Administrator 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, Nov. 13, 2019.



Revised
Land Use Petition
City of Wilmington, Illinois

Petitioner: Mill Street Investments, LLC
Address: 849 Cambridge Ct.
City: Wilmington State: IL Zip: 60481
Phone No.: 476-2907 Fax No.: Email:

- Petitioner is the owner of the subject property and is the signer of this petition
Petitioner is the contract purchaser of the subject property and has attached a copy of said contract to this petition
Petitioner is acting on behalf of the owner of the subject property and has attached a letter granting such authority signed by the owner

In the event the property is held in trust, a notarized letter from an authorized trust officer identifying the petitioner as an authorized individual acting on behalf of the beneficiaries and providing the name, address, and percentage of interest of each beneficiary is attached to this executed petition.

Subject Property

Location: Northeast Corner of Mill and Main Streets
Size of Property: 132' by 132' Tax Parcel No.: 03-17-25-330-003-0000

The following documents have been attached:

- Legal Description Plat of Survey List of Adjacent Property Owners Site Plan Preliminary Plat Final Plat Preliminary Plan Final Plan Impact Fee Form Bank Trust Letter

Type of Action Requested

- Annexation Annexation Agreement Concept Plan Preliminary Plat/Plan (circle one) Final Plat/Plan (circle one) Map Amendment from to Conditional Use Variances Site Plan Review

I have submitted the required filing fee. I understand that the fee is non-refundable. The fee is determined according to the attached schedule of fees. AD (initial here) (fee)

Statement of Petition

Please provide a brief statement describing the proposal as it relates to the standards of petition accompanying this document (attach additional sheets if necessary).

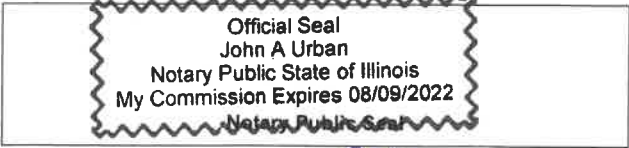
To allow for a properly sized building for sufficient economic return Petitioner requests a Conditional Use Permit for a planned Unit development along with variances for a POD of less than 1 acre and a N. Main Street setback variance from 40 feet to 14.5' and a Mill Street setback variance from 40 feet to 27 feet.

Number of Dwelling Units 0 Type of Units Square Footage
Proposed Time Schedule for Development Now
Requested Variances POD < 1 acre, 2 setback variances

Authorization

I hereby affirm that I have full legal capacity to authorize the filing of this petition and that all the information and exhibits herewith submitted are true and correct to the best of my knowledge. The petitioner invites city representatives to make all reasonable inspections and investigation of the subject property during the period of processing this petition

State of Illinois 10-7-19 Amanda Decker
County of Will ss Date Signature of Petitioner
S.K.A. Amanda Fox



I, the undersigned, a notary public in and for the said county and state aforesaid, do hereby that Amanda Decker is personally known to me to be the same person whose name is subscribed to the forgoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act, for the uses and purposes set forth.

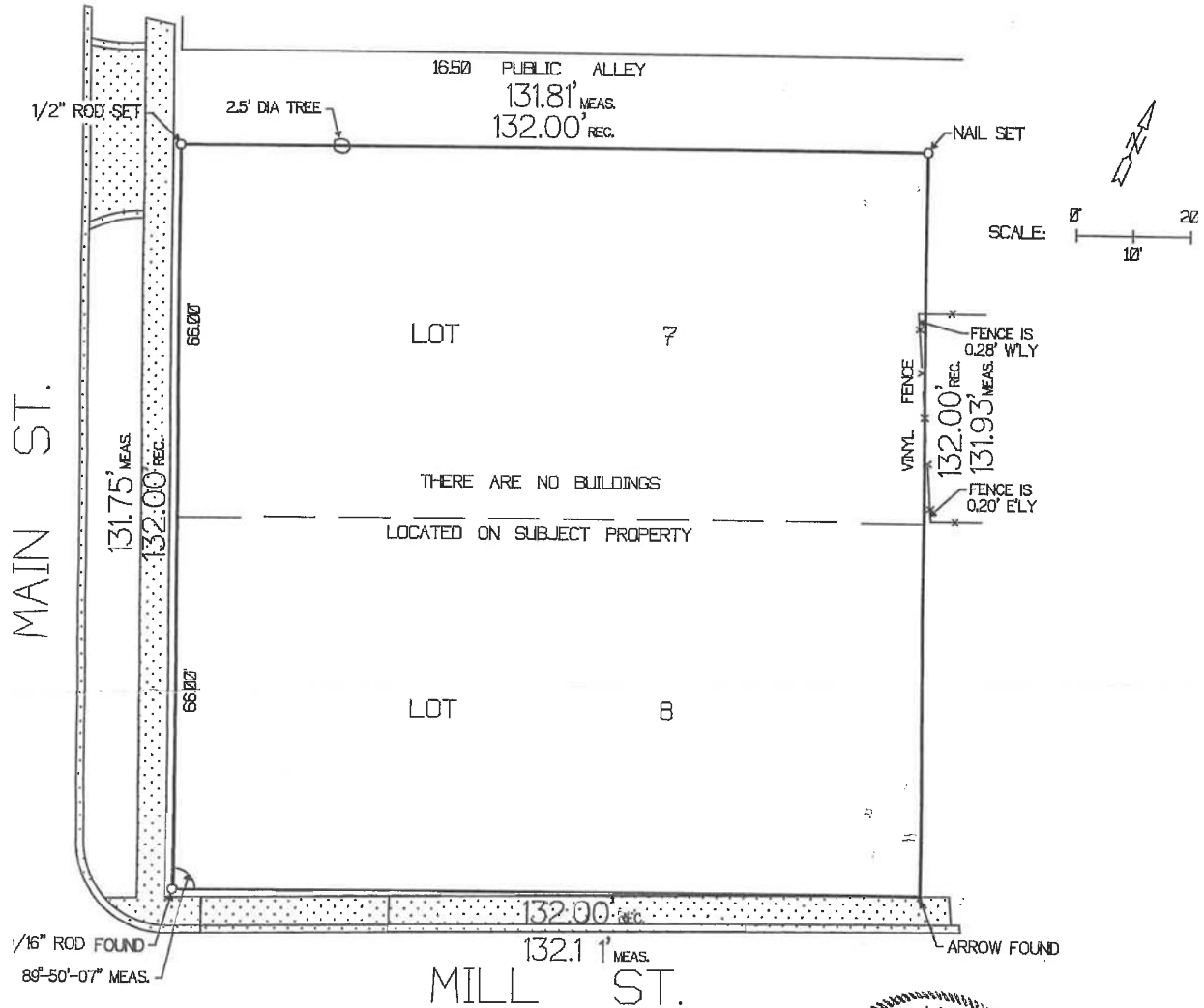
Notary Signature: John A Urban
My Commission Expires: 8-9-22

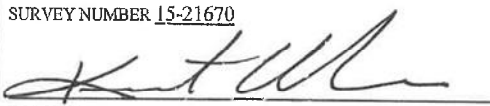
Given under my hand and notary seal this 7th day of October, A.D. 2019

PLAT OF SURVEY

LOTS 7 AND 8 IN BLOCK 29 OF THE ORIGINAL TOWN OF WINCHESTER, NOW CITY OF WILMINGTON, IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE 3RD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

NORTH MAIN & MILL STREET
WILMINGTON, IL



<p>COMMUNITY SURVEY INC. 68 N. CHICAGO STREET, SUITE 218 JOLIET, IL 60432 (815) 722-9005 (815) 722-9019 - fax DESIGN FIRM NO. 184-002899 CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY. COMPARE POINTS BEFORE BUILDING.</p>	<p>WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE SURVEYED FOR JOHN TRYNER UNDER MY HAND AND SEAL THIS 4TH DAY OF JANUARY 2016. FIELD WORK 12/30/2015 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEY NUMBER <u>15-21670</u>  ILLINOIS LAND SURVEYOR NO. <u>3701</u> EXPIRES 11/30/2016</p>
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Memorandum

To: Wilmington Planning and Zoning Commission
From: Rodney Tonelli, AICP
Date: October 30, 2019
RE: Fox's Pizza, Northeast Corner of Main Street and Mill Street
Conditional Use Permit for a Planned Unit Development
Variance for a PUD less than one (1) acre

Summary

The applicant Mill Street Investments LLC has submitted a petition for approval of Conditional Use Permit for a Planned Unit Development and a Variance to permit a PUD less than one acre in size. The PUD includes variations from the City Code to permit a building setback of 14.5 feet from Main Street and 27 feet from Mill Street. The proposed 4,055 square foot building will be the new home of Fox's Pizza.

The following plans have been submitted and reviewed and constitute the PUD submittal:

1. Site Improvement Plans submitted by Chamlin & Associates, Inc. with a revision date of 10/9/2019
2. Proposed Site Plan and Architectural Plans prepared by Jeff Jarvis Architect with a revision date of 10/4/2019

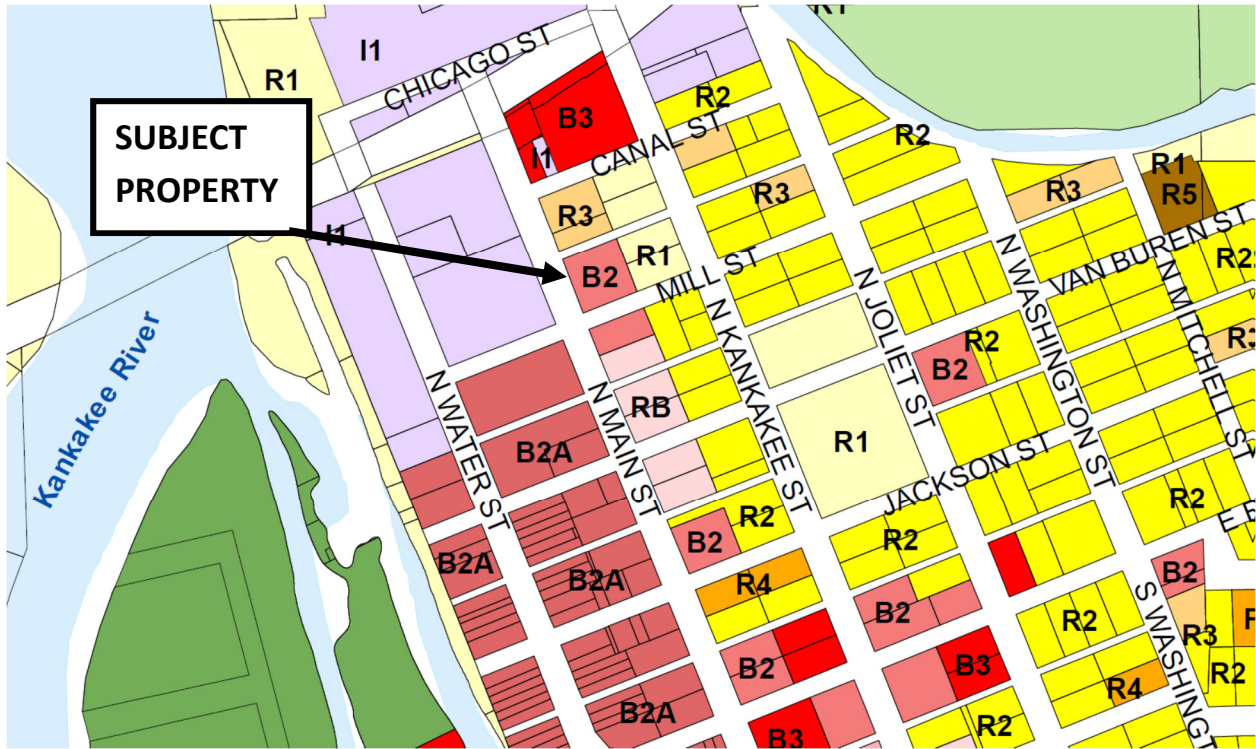
Staff have reviewed the above referenced plans and all engineering and planning comments have been addressed.

Current Zoning

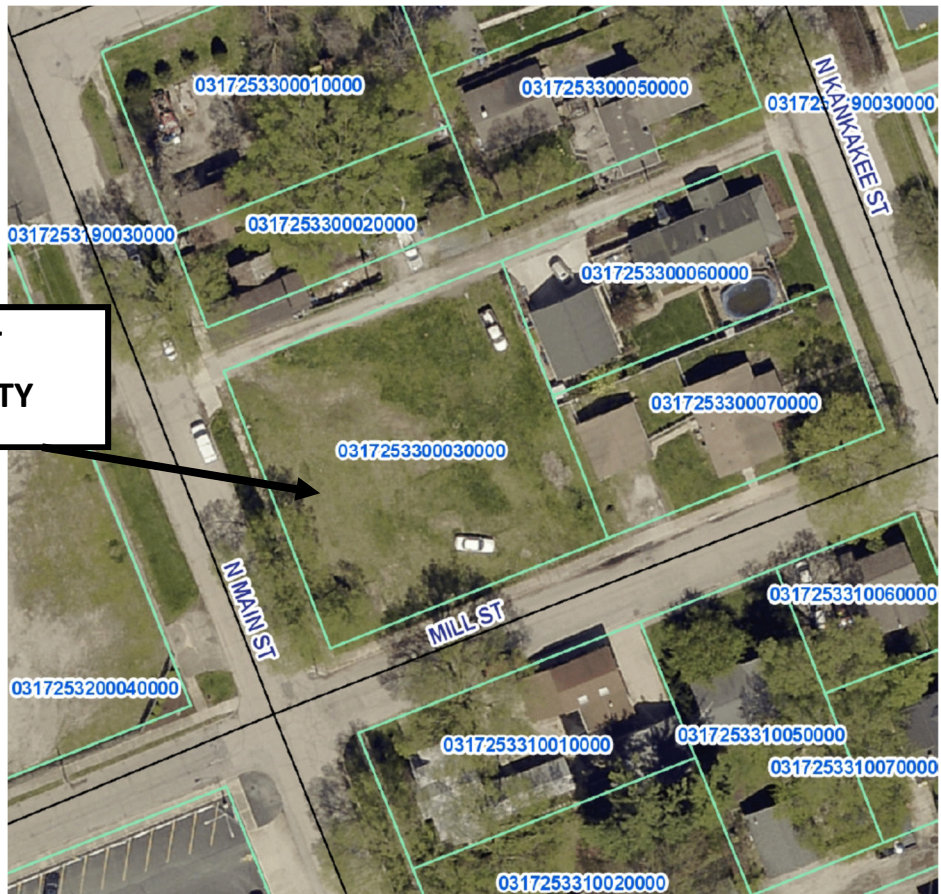
The property is currently zoned B2 Light Commercial District. The proposed restaurant use is a permitted use in the B2 District.

Surrounding zonings include I-1 to the West, R-3 to the North, R-1 to the East and B-2 to the South.





**SUBJECT
PROPERTY**



**SUBJECT
PROPERTY**



Ruettiger, Tonelli & Associates, Inc.

Surveyors • Engineers • Planners • Landscape Architects • G.I.S. Consultants

Plan Review and Analysis

Staff has reviewed the submitted site plan and associated engineering documents and submitted review comments to the design engineer. All comments have been addressed.

The proposed building is a two-story building containing 4,055 square feet. There is a small mezzanine space for office and storage space that is proposed on the second floor. The first floor will house the restaurant kitchen and dining space. The plan provides for 29 parking spaces which is the calculated requirement for the proposed use.

On-site parking is provided in a proposed lot lying east of the building. The remainder of the parking is perpendicular street parking proposed along Main Street and Mill Street.

When City staff first met with the applicant to review the concept plan, the building was proposed to be on east side of the lot with a traditional on-site parking area in front of it. The design was more typical of a suburban commercial use than what would be anticipated in a traditional downtown area. Staff encouraged the applicant and their design team to explore pulling the building closer to the hard corner and to develop a more urban and traditional downtown design. The plan before the PZC is the result of these efforts. The site design, street fronting building, and street side parking fits nicely into the nearby downtown and traditional neighborhood context of this part of the City. With the building pulled closer to the street, the designers were also able to incorporate an outdoor sidewalk seating area along the south façade.

The architectural design of the building includes a stone base with brick on the first floor. The partial second floor will be clad in horizontal siding. Fabric awnings are incorporated over the street facing windows on both Main Street and Mill Street.

The B2 zoning district requires front yard building setbacks of 40 feet. With staff's request to place the building close to the corner, the proposed setbacks along Main Street and Mill Street are 14.5 feet and 27 feet respectively. These setbacks, along with the street front parking necessitated the project be submitted as a Planned Unit Development. Approval of the PUD constitutes the City's acceptance of these variations. As the City code specifies a minimum of one (1) acre for a Planned Unit Development, staff requested that the petition include a request for a Variance to permit a PUD less than one acre in size.

Building signage will be placed on the southwest corner of the building and a small 4-foot monument sign is proposed on the corner. The monument sign will be built with brick to match the building and a limestone cap.

A trash enclosure constructed of PVC board and batten style fencing is proposed on the north side of the building and will be accessed from the public alley that bounds the north side of the site. The delivery door for the restaurant is also proposed on the north side of the building.

A 6-foot-high PVC fence is proposed along the east property line to screen the proposed on-site parking area from the existing residential to the east.



The roof-top HVAC units are screened by the proposed roof structure on three side and a vertical screening wall on the north (alley) side.

While the City does not have any specific landscape design requirements in its' ordinance, the applicant was asked to provide trees and shrubs in the open areas of the site and along the building façade where practical. A landscape plan was included which provides minimal landscaping in the requested areas.

Parking lot lighting is required in all nonresidential use parking areas containing 5 or more parking stalls. Lighting has been provided at both the Mill Street and alley entrances of the proposed parking lot.

Since reviewing the revised plans, staff has identified one item that was missed during the review process. As it was necessary for the sidewalks along Main Street and Mill Street to be placed on private property nearer the building, an easement should be granted to the City/public for public use of these sidewalks. Staff is recommending that this easement be made a condition of a recommendation for approval.

Recommended Actions

Staff is recommending that the Wilmington Planning and Zoning Commission, having determined that the petitions meet standards of the City's Zoning Ordinance, make a motion to recommend that the City Council approve the Conditional Use Permit for a Planned Unit Development for Fox's Pizza and further, that the City Council approve a Variance to permit a PUD less than one acre in size subject to the following condition:

1. Submittal and City acceptance of an easement to the City/public over the sidewalks proposed along both Mill Street and Main Street.

