

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

**Call to Order**

The December 5, 2019 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:00 p.m. by Deputy City Clerk Joie Ziller 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 Kulpa, Jones, Clennon, Wysocki, Smith and Tryner

**Commissioner’s Absent**

Humphries

**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 City Planner/Engineer Rodney Tonelli

**Elect Vice Chairman**

Commissioner Smith made a motion and Commissioner Tryner seconded to Elect Ken Kulpa as Vice Chairman for the December 5, 2019 Planning & Zoning Commission Meeting

Upon roll call, the vote was:

**AYES:**     6 Smith, Tryner, Clennon, Jones, Wysocki, Kulpa

**NAYS:**     0

**ABSENT:** 1 Humphries

Motion passed.

**Approval of Minutes**

Commissioner Clennon made a motion and Commissioner Wysocki seconded to approve the November 5, 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 Clennon, Wysocki, Jones, Kulpa

**NAYS:**     0

**ABSTAIN:** 2 Tryner, Smith  
**ABSENT:** 1 Humphries  
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 Jones made a motion and Commissioner Wysocki seconded to open the public hearing at 5:04 p.m.

Upon roll call, the vote was:

**AYES:** 6 Smith, Tryner, Clennon, Jones, Wysocki, Kulpa  
**NAYS:** 0  
**ABSENT:** 1 Humphries  
Motion passed.

City Planner Rodney Tonelli reviewed his memo, dated October 30, 2019 with the Commission. The applicant, Mill Street Investments LLC is requesting approval of a Conditional Use Permit for 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 memo prepared by City Planner Tonelli is attached for reference. There are twenty-nine (29) parking spots that are proposed with the site plan that meets the parking requirements. City Planner Tonelli explained that when we first met with the applicant and their architect, they had a different concept plan, and that concept had the building pushed all the way to the east end property line which backs up to the residential property line. The City worked with the petitioner’s architect to pull the building closer to the street, a more urban design and traditional historic look located through out downtown.

Greg Prucha, resident at 321 N. Main Street, expressed his concerns with this building being too close to his properties on Main Street & Mill Street and his property value is going to go down. Mr. Prucha stated his concerns about the back out parking on to the streets and it being too dangerous especially when the emergency vehicles are leaving the Fire Department.

Mrs. Prucha, resident at 321 N. Main Street is also concerned about the back out parking, along with all the additional vehicles constantly coming and going, the noise from the outdoor dining, music, gambling and drinking. Mrs. Prucha also included that when they purchased the home, they were told by the village that they only type of commercial business that could there was a professional office, such as doctors, lawyers, daycare. Our house is the Victorian on the corner, well kept and this just doesn’t fit with our décor.

City Planner Tonelli clarified that the property is zoned B2-Light Commercial, the restaurant and everything they're proposing to do are permitted uses in that zoning district.

Marianne (Weidling) Quirk, resident at 408 N. Kankakee Street is concerned with deliveries in the alley. The alley is already in bad shape and with the overhead wires, one of the larger delivery trucks could hit one of those. Mrs. Quirk is also concerned about the safety issues with the proposed back out parking.

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

Upon roll call, the vote was:

**AYES:**        6    Smith, Tryner, Clennon, Jones, Wysocki, Kulpa

**NAYS:**        0

**ABSENT:**    1    Humphries

Motion passed.

**Commissioners Review/Approval/Recommendation**

The Commissioners reviewed and discussed the PUD for Fox's Pizza. Commissioner Jones questioned the lighting plan. City Planner Tonelli explained that all the proposed outdoor lighting is down casting with shielding for no glare and/or spillage. Commissioner Jones asked if staff had any proposals for additional controls regarding the back out parking. City Planner Tonelli suggested that a four-way stop at N. Main Street and Mill Street could be a possible improvement. Other than that, it's not uncommon condition to have cars backing out in to the street and this condition exists several times on N. Main Street. Commissioner Wysocki indicated that she wouldn't have an issue if the proposed business was a doctor's office or lawyers office but with an establishment which includes drinking and gambling until 11 o'clock at night she does. Commissioner Wysocki also added that there is going to be more traffic and I would be fearful myself to park and would be reluctant to visit that establishment with that parking design. Commissioner Clennon informed the Commission that he will be abstaining on the recommendation to City Council as he has a vested interest in the proposed construction of this building. Commissioner Tryner explained that he too will be abstaining as he one of the attorneys involved when the Fox's purchased the property. Commissioner Kulpa stated his reason for voting no is due to the parking configuration.

Commissioner Smith made a motion and Commissioner Wysocki seconded 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.

Upon roll call, the vote was:

**AYES:**        1    Smith

**NAYS:**        3    Wysocki, Jones, Kulpa

**ABSTAIN:** 2 Clennon, Tryner  
**ABSENT:** 1 Humphries

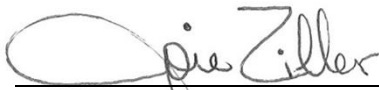
**Public Comment**

No public comment was made.

**Adjournment**

Motion to adjourn the meeting made by Commissioner Clennon and seconded by Commissioner Tryner. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on December 5, 2019 adjourned at 6:00 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