



City of Wilmington
1165 South Water Street
Wilmington, IL 60481

Agenda
Regular City Council Meeting
Wilmington City Hall
Council Chambers
February 7, 2023

7:00 p.m.
In Person & Via Zoom
join by video at:

<https://us02web.zoom.us/j/86933644945?pwd=SFkwV0lJUnhXRG9WZzVxYlpxdVlxUT09>

join by phone at:
1-312-626-6799

Meeting ID: 869 3364 4945 / Passcode: 047065

IN ACCORDANCE WITH PUBLIC ACT 101-0640, 5 ILCS 120/7(e), THIS CITY COUNCIL 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 to Order by Mayor Dietz

2. Pledge of Allegiance

3. Roll Call by City Clerk

Kevin Kirwin
Dennis Vice
Leslie Allred
Todd Holmes

Ryan Jeffries
Ryan Knight
Jonathan Mietzner
Thomas Smith

4. Approval of the Previous City Council Meeting Minutes

5. Mayor's Report

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

7. Planning & Zoning Commission

- a. Approve Ordinance No. 23-02-07-01, An Ordinance Approving a Conditional Use for Property Located at 110 Bridge Street, Wilmington, IL60481 (Nelly's Drive-Thru Window; PIN No. 03-17-25-304-007-0000)

Posting Date:
2/3/2023 10:52 AM jz

- b. Approve Ordinance No. 23-02-07-02, An Ordinance Approving a Map Amendment from R1 and R3 to B3 - General Commercial and a Conditional Use For Vacant Property Located on School Street, Wilmington, IL 60481 (PIN Nos. 03-17-26-403-009-0000 And 3-17-26-403-011-0000)

The next meeting is scheduled for March 2, 2023, at 5:00 pm

8. Committee of the Whole

A. Police & ESDA

Co-Chairs – Jonathan Mietzner and Leslie Allred

1. Consideration to Approve the Wilmington Police Commission to Seek & Hire One Patrolman

B. Ordinance & License

Co-Chairs – Kevin Kirwin and Ryan Knight

1. Approve Resolution No. 2023-03, A Resolution to Dispose of Surplus Property

C. Buildings, Grounds, Parks, Health & Safety

Co-Chairs – Ryan Jeffries and Thomas Smith

D. Water, Sewer, Streets & Alleys

Co-Chairs – Todd Holmes and Dennis Vice

E. Personnel & Collective Bargaining

Co-Chairs – Jonathan Mietzner and Todd Holmes

F. Finance, Administration & Land Acquisition Committee

Co-Chairs – Kevin Kirwin and Ryan Jeffries

1. Approve the Accounting Reports

9. Attorney & Staff Reports

10. Executive Session

- Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the City of Wilmington [ILCS 120/2(c)(1)]
- Collective negotiating matters between the City of Wilmington (public body) and its employees [ILCS 120/2(c)(2)]
- Matters of Land Acquisition [ILCS 2(c)(5) and 2(c)(6)]
- Probable or Imminent Litigation and Pending Litigation [ILCS 2(c)(11)]

11. Possible Action Following Executive Session

12. Adjournment

The next regular City Council meeting is scheduled for February 21, 2023, at 7:00 PM

**Minutes of the Regular Meeting of the
Wilmington City Council
Wilmington City Hall
1165 South Water Street
January 17, 2023**

Call to Order

The Regular Meeting of the Wilmington City Council on January 17, 2023, was called to order at 7:00 p.m. by Mayor Ben Dietz in the Council Chamber of the Wilmington City Hall.

Roll Call

Upon Roll Call by the Clerk the following members of the corporate authorities answered "Here" or "Present":

Aldermen Present Kirwin, Knight, Jeffries, Vice, Allred, Mietzner, Smith

Alderman Absent Holmes

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, Finance Director Nancy Gross, Chief of Police Adam Zink, Public Works Director James Gretencord, City Attorney Bryan Wellner, and Deputy City Clerk Joie Ziller

Approval of the Previous Regular City Council Meeting

Alderman Mietzner made a motion and Alderman Knight seconded to approve the January 3, 2023 meeting minutes with the necessary changes and have them placed on file

Upon roll call, the vote was:

AYES: 6 Kirwin, Jeffries, Vice, Mietzner, Smith, Knight
NAYS: 0
PASS: 1 Allred
ABSENT: 1 Holmes

The motion carried.

Public Hearing

Alderman Kirwin made a motion and Alderman Mietzner seconded to open the public hearing at 7:02 PM to Receive And Consider Testimony And Public Comment On The Petition Of Adar Ridgeport Industrial Partners, LLC, Adar RPLL, LLC, And The City Of Wilmington, Illinois To Amend The Amended And Restated Annexation Agreement By And Among Adar Ridgeport Industrial Partners, LLC, Adar RPLL, LLC, Ridgeport Logistics Center Property Owners Association And The City Of Wilmington, Illinois (Ridgeport Logistics Center), As Amended, With Respect To An Extension Of Time For The Installation Of Certain Potable Water And Sanitary Sewer Lines In The Vicinity Of The Property Subject To The Proposed Amended Annexation Agreement

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight
NAYS: 0

ABSENT: 1 Holmes
The motion carried.

Attorney Benjamin Schuster representing Elion provided an over of the project and stated that Elion is ready to fulfill their obligation to the City; however, the City is required to obtain the easements needed for the utility project and this cannot be finalized until IDOT has finalized their plans for road construction; therefore an amendment to extend the agreement an additional three years is needed.

No additional public comments were made.

Alderman Kirwin made a motion and Alderman Knight seconded to close the public hearing at 7:10 PM

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight

NAYS: 0

ABSENT: 1 Holmes

The motion carried.

Public Hearing

Alderman Kirwin made a motion and Alderman Mietzner seconded to open the public hearing at 7:11 PM to Receive And Consider Testimony And Public Comment On The Petition Of Robert Rink, Martha Rink, Robert F. Rink, Jacquelyn K. Rink, And Rink Agricultural And Investment Partnership, LP For An Amendment To That Certain Annexation Agreement Dated February 16, 2010, By And Between The City Of Wilmington, Illinois And Robert Rink, Martha Rink, Robert F. Rink, Jacquelyn K. Rink And Rink Agricultural And Investments, LP ("Proposed Amended Annexation Agreement"), With Respect To An Extension Of Time For The Installation And Connection Of Certain Potable Water And Sanitary Sewer Lines To The Property Subject To The Proposed Amended Annexation Agreement And With Respect To An Extension Of Time For A Property Tax Abatement Relative To The Property Subject To The Proposed Amended Annexation Agreement

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight

NAYS: 0

ABSENT: 1 Holmes

The motion carried.

No public comments were made.

Alderman Kirwin made a motion and Alderman Knight seconded to close the public hearing at 7:13 PM

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight

NAYS: 0

ABSENT: 1 Holmes

The motion carried.

Public Hearing

Alderman Kirwin made a motion and Alderman Knight seconded to open the public hearing at 7:14 PM to Receive And Consider Testimony And Public Comment On The Petition Of Tameling Management and Investments Series, LLC For an Amendment to That Certain Annexation Agreement Dated February 16, 2010, By and Between the City of Wilmington, Illinois and Tameling Management and Investments Series, LLC (“Proposed Amended Annexation Agreement”), With Respect to An Extension of Time for The Installation and Connection of Certain Potable Water and Sanitary Sewer Lines to The Property Subject to The Proposed Amended Annexation Agreement

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight

NAYS: 0

ABSENT: 1 Holmes

The motion carried.

No public comments were made.

Alderman Kirwin made a motion and Alderman Knight seconded to close the public hearing at 7:15 PM

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight

NAYS: 0

ABSENT: 1 Holmes

The motion carried.

Mayor’s Report

Alderman Knight made a motion and Alderman Allred seconded to Approve Resolution No. 2023-01, A Resolution Endorsing the Metropolitan Mayors Caucus’ Greenest Region Compact

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight

NAYS: 0

ABSENT: 1 Holmes

The motion carried.

Public Comment

No public comments were made.

Planning & Zoning Commission

The next meeting is scheduled for January 12, 2023.

Committee of the Whole Reports

A. Police & ESDA

Co-Chairs – Jonathan Mietzner and Leslie Allred

Nothing at this time

B. Ordinance & License

Co-Chairs – Kevin Kirwin and Ryan Knight

Nothing at this time

C. Buildings, Grounds, Parks, Health & Safety

Co-Chairs – Ryan Jeffries and Thomas Smith

Nothing at this time

D. Water, Sewer, Streets & Alleys

Co-Chairs – Todd Holmes and Dennis Vice

Alderman Vice made a motion and Alderman Mietzner seconded to approve Final Engineer’s Payment Estimate #13, as recommended by ESI, Payable to Austin Tyler Construction in the of \$117,916.26 for the South Arsenal Road and IL Rte 53 Project (08-00042-00-WR)

Upon roll call, the vote was:

AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries

NAYS: 0

ABSENT: 1 Holmes

The motion carried.

Alderman Vice made a motion and Alderman Kirwin seconded to Approve & Authorize the City Administrator to Execute the Final Report of Expenditures in the Award of \$2,440,728.87 for the South Arsenal Road and IL Rte 53 Project (08-00042-00-WR)

Upon roll call, the vote was:

AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries

NAYS: 0

ABSENT: 1 Holmes

The motion carried.

Director Gretencord informed the Council that the truck order with Community GMC was canceled due to GMC Corporate no longer making the vehicle. Arnie Bauer was the next lowest quote therefore the truck will be ordered from there.

E. Personnel & Collective Bargaining

Co-Chairs – Jonathan Mietzner and Todd Holmes

Nothing at this time

F. Finance, Administration & Land Acquisition Committee

Co-Chairs – Kevin Kirwin and Ryan Jeffries

Alderman Jeffries made a motion and Alderman Knight seconded to Approve the Accounts Payable Reports in the amount of \$1,086,919.76

Upon roll call, the vote was:

AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries

NAYS: 0

ABSENT: 1 Holmes
The motion carried.

Alderman Jeffries made a motion and Alderman Mietzner seconded to Approve Resolution 2023-02, A Resolution Approving the First Data Omaha Account User Information Change for the City of Wilmington

Upon roll call, the vote was:
AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries
NAYS: 0
ABSENT: 1 Holmes
The motion carried.

Alderman Jeffries made a motion and Alderman Knight seconded to Approve the National Business Furniture Quote in an amount not exceeding \$26,034.99

Upon roll call, the vote was:
AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries
NAYS: 0
ABSENT: 1 Holmes
The motion carried.

Alderman Jeffries made a motion and Alderman Vice seconded to Approve the West Flooring Company, Inc. Quote in an amount not exceeding \$16,400

Upon roll call, the vote was:
AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries
NAYS: 0
ABSENT: 1 Holmes
The motion carried.

Alderman Jeffries made a motion and Alderman Vice seconded to Approve and Authorize the Execution of a Contract with Hairbanger's Ball in an amount not exceeding \$4,500

Upon roll call, the vote was:
AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries
NAYS: 0
ABSENT: 1 Holmes
The motion carried.

Alderman Kirwin made a motion and Alderman Smith seconded to Approve Ordinance 23-01-17-01, An Ordinance Authorizing the Execution of a Sixth Amendment to the Amended and Restated Annexation Agreement by and Among Adar Ridgeport Industrial Partners, LLC, Adar RPLL, LLC, Ridgeport Logistics Center Property Owners Association and the City of Wilmington, Illinois (Ridge Port Logistics Center)

Upon roll call, the vote was:
AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries
NAYS: 0
ABSENT: 1 Holmes
The motion carried.

Alderman Kirwin made a motion and Alderman Jeffries seconded to Approve Ordinance 23-01-17-02, An Ordinance Authorizing the Execution of a Second Amendment to the Annexation Agreement Dated February 16, 2010, by and between the City, Robert Rink, Martha Rink, Robert F. Rink, Jacquelyn K. Rink and Rink Agricultural and Investment Partnership, LP

Upon roll call, the vote was:

AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries
NAYS: 0
ABSENT: 1 Holmes

The motion carried.

Alderman Kirwin made a motion and Alderman Smith seconded to Approve Ordinance 23-01-17-03, An Ordinance Authorizing the Execution of a Sixth Amendment to the Amended and Restated Annexation Agreement by and among the City of Wilmington, Illinois and Tameling Management and Investments Series, LLC

Upon roll call, the vote was:

AYES: 7 Kirwin, Knight, Smith, Vice, Allred, Mietzner, Jeffries
NAYS: 0
ABSENT: 1 Holmes

The motion carried.

Attorney & Staff Reports

City Administrator Smith questioned if the Council would be interested in a Consent Agenda to save on repetitiveness. The Council was in favor therefore an example will be provided at the February Committee of the Whole meeting.

Executive Session

Alderman Allred made a motion and Alderman Kirwin seconded to go into Executive Session at 7:27 PM to discuss Probable or Imminent Litigation and Pending Litigation [ILCS 120/2(c)(11)]

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight
NAYS: 0
ABSENT: 1 Holmes

The motion carried.

Alderman Allred made a motion and Alderman Knight seconded to close Executive Session at 7:40 PM

Upon roll call, the vote was:

AYES: 7 Kirwin, Jeffries, Vice, Mietzner, Kirwin Smith, Knight
NAYS: 0
ABSENT: 1 Holmes

The motion carried.


Action Taken Following Executive Session

No action taken

Adjournment

The motion to adjourn the meeting was made by Alderman Knight and seconded by Alderman Mietzner. Upon the voice vote, the motion carried. The City of Wilmington City Council's regular meeting on January 17, 2023, adjourned at 7:41 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



MEMO

Date: February 2, 2023

To: Honorable Mayor Dietz and City Council Members
Bryan Wellner, City Attorney

From: Jeannine Smith, City Administrator 

Cc: Joie Ziller, Deputy Clerk
Department Supervisors

Re: Approve Ordinance No. 23-02-07-01, An Ordinance Approving a
Conditional Use for Property Located at 110 Bridge Street, Wilmington,
IL60481 (Nelly's Drive-Thru Window; PIN No. 03-17-25-304-007-0000)

ACTION REQUESTED

Steve Nelson owner of Nelly's (Petitioner) is requesting a Conditional Use from 150.62(C)(13) B3-General Commercial to allow for a drive-through facility and Final Site Plan Review of property generally located at 110 Bridge Street in Wilmington, IL. See attached Planning and Zoning Packet.

BACKGROUND

Nelly's Restaurant is located on Historic Rt 66 and has been serving customers (both local and visitors) for decades. The restaurant receives great reviews on social media and the owners are good partners with the merchants and associations in the area. The City has had a long-standing partnership with ownership including an easement agreement which allowed the City to place a bike path behind their building in exchange for a signage location on Rt 66.

Petitioner approached the City this past fall regarding a move of their existing kitchen to a section of the building behind Old School Brewing after receiving many requests from customers to provide a drive thru window. Customer requests for a drive-up or drive-thru increased during and even after COVID-19 hit the State in 2020. This location is the only place within the building that the owner can locate this type of facility.

Petitioner has properly noticed the public in the Free Press Advocate on Wednesday, December 21, 2022. Deputy Clerk Ziller has received receipts from the petitioner for notices sent to adjacent property owners.

DISCUSSION

Properties abutting the proposed development consist of the following zoning districts (see zoning map):

North	B3 – General Commercial
South	B3 – General Commercial
West	B3 – General Commercial and OS – Open Space
East	B3 – General Commercial

Staff does not believe the property is currently in conformance with City Zoning Codes as they relate to lot coverage which is limited to 70% of the property (see attached planning and zoning packet). However, as the proposed improvement does not expand the footprint of the building, Staff contends that this use will not expand the non-conformity and therefore is in support of the petitioner's request.

Finally, the drive thru vehicles currently have no way to exit the lane without an easement over City owned property adjacent to Nelly's. On January 6, 2023, Mr. Nelson's attorney sent an email stating: "I am in Arizona and I asked Steve to have his surveyor define the area. There presently is a ten feet wide easement that runs parallel to the east side of the building to the unloading dock. This additional easement area needs to be located and defined by the surveyor..." As I type this today (2/2/23) we have not received any additional correspondence regarding the alleged easement or expansion of the same.

FINDINGS OF FACT

A hearing commenced before the Planning and Zoning Commission (PZC) on January 12, 2023. There was no public comment. The Commissioners heard the petitioner's testimony.

The Planning and Zoning Commissioners had a lively discussion on the matter and made the following findings of fact:

As to the matter of a Conditional Use -

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare; and
2. 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; and
3. 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.

RECOMMENDATION

The Planning and Zoning Commission recommended approval of the Petitioner's request conditioned on City Council's approval of an easement agreement across City owned and adjacent property prior to the issuance of a building permit.

The motion was made by a roll call vote with 6 ayes, 0 nays, and 1 absent

The Petitioner now comes before the City Council seeking the same approval.

City of Wilmington Planning and Zoning Staff Report

SUBJECT: Petition by Steve Nelson for a Conditional Use in the B3-General Commercial District to allow for a Drive Thru at Nelly's Restaurant

AGENDA ITEM: 4

MEETING DATE: January 12, 2023

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

FROM: Jeannine Smith, City Administrator

ACTION REQUESTED:

Steve Nelson owner of Nelly's (Petitioner) is requesting a Conditional Use from 150.62(C)(13) B3-General Commercial to allow for a drive-through facility and Final Site Plan Review of property generally located at 110 Bridge Street in Wilmington, IL

BACKGROUND:

Nelly's Restaurant is located on Historic Rt 66 and has been serving customers (both local and visitors) for decades. The restaurant receives great reviews on social media and the owners are good partners with the merchants and associations in the area. The City has had a long-standing partnership with ownership including an easement agreement which allowed the City to place a bike path behind their building in exchange for a signage location on Rt 66.

Petitioner approached the City this past fall regarding a move of their existing kitchen to a section of the building behind Old School Brewing after receiving many requests from customers to provide a drive thru window. Customer requests for a drive-up or drive-thru increased during and even after COVID-19 hit the State in 2020. This location is the only place within the building that the owner can locate this type of facility.

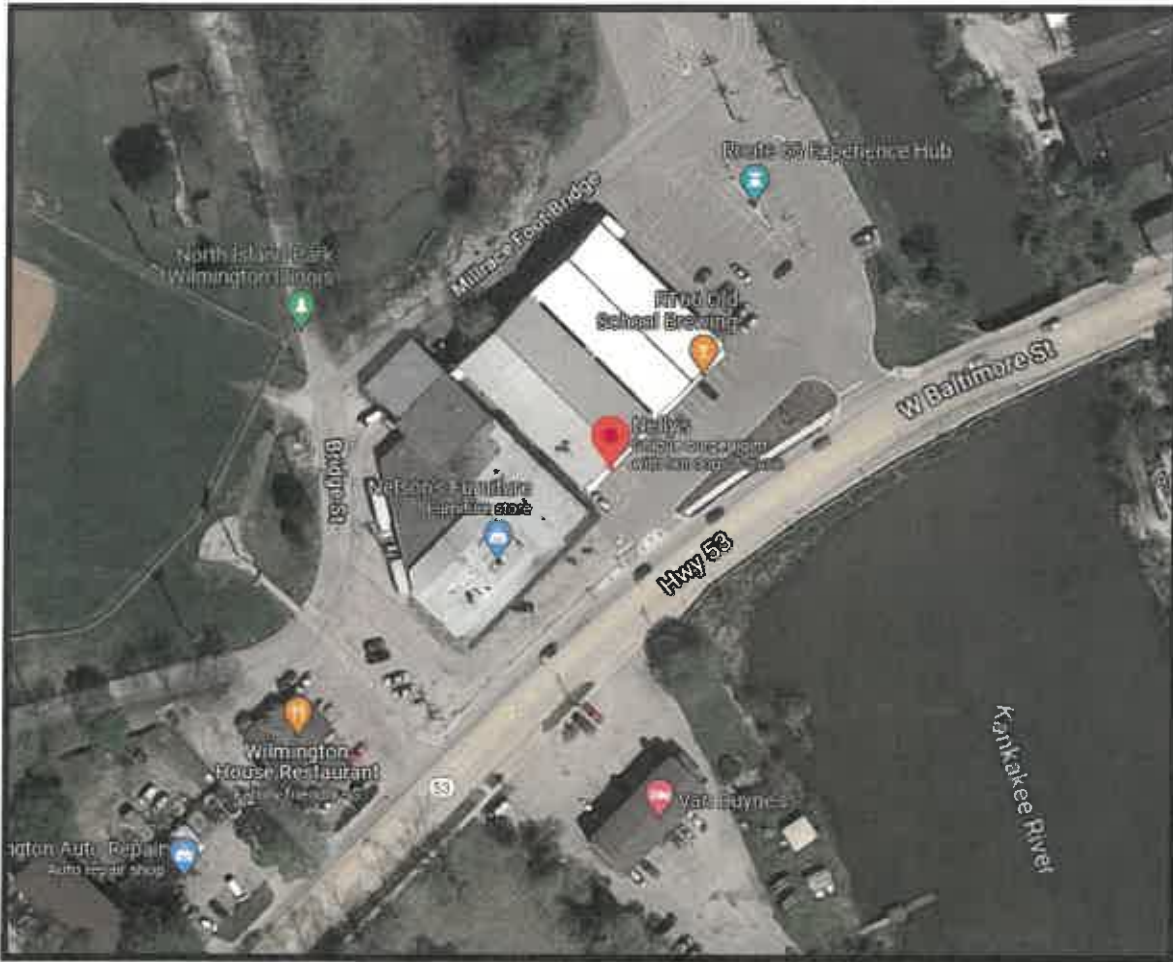
Petitioner has properly noticed the public in the Free Press Advocate on Wednesday, December 21, 2022.

PETITIONER'S NARRATIVE:

Petitioner maintains that the proposed use warrants this application for a conditional use as the drive-up window for Nelly's will make it easier to access Nelly's and give customers the ability to order/pay remotely and pick up conveniently from the window. Petitioner further states that as the use of the property remains unchanged, this will not have an adverse effect on the value of the adjacent properties. Finally, Petitioner states the proposed use will not be detrimental to or endanger the public health, safety, and general welfare as it makes it easier for people to access Nelly's.

DISCUSSION:

Picture of area slated for development and adjacent uses:



Properties abutting the proposed development consist of the following zoning districts (see zoning map):

North	B3 – General Commercial
South	B3 – General Commercial
West	B3 – General Commercial and OS – Open Space
East	B3 – General Commercial

FINDINGS OF FACT:

The Planning and Zoning Commission (PZC) shall make recommendation and provide findings of fact to the city council.

Standards for conditional uses

The city council, based upon recommendation from the PZC, shall make findings based upon the evidence presented to it in each specific case that:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare; and
2. 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; and
3. 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.

STAFF RECOMMENDATION:

Staff does not believe the property is currently in conformance with City Zoning Codes as they relate to lot coverage which is limited to 70% of the property (see attached Zoning District Regulations for 150.62 - B-3 General Commercial District attached). However, as the proposed improvement does not expand the footprint of the building, Staff contends that this use will not expand the non-conformity and therefore is in support of the petitioner's request.

It is important to note that Petitioner is seeking an easement to allow for traffic to flow through two parking spaces currently owned by the City. If the Planning and Zoning Commission wishes to make a positive recommendation to the City Council, it should be conditioned on the City executing this agreement. Otherwise, the drive-thru will not be possible.

150.62 - B-3 General Commercial District.

- (A) Purpose and intent. The B-3 General Commercial District is intended to accommodate retail and wholesale commercial activities which are adjacent to arterial streets and serves the population of the city and its surrounding areas.
- (B) Permitted land uses and developments.
- (1) Any use permitted in the B-2 Light Commercial District;
 - (2) Accessory uses;
 - (3) Amusement establishments including, but not limited to, bowling alleys, pool halls, dance halls, skating rinks, video arcades and banquet facilities;
 - (4) Animal hospitals;
 - (5) Automobile service stations, repair facilities and car washes when used in conjunction with the automobile service station;
 - (6) Automobile, truck and recreational vehicle sales and rental;
 - (7) Bars, taverns and package liquor stores;
 - (8) Boat showrooms, sales and repairs;
 - (9) Electrical showrooms and shops;
 - (10) Farm implement, feed and seed stores;
 - (11) Garages for storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding;
 - (12) Greenhouses, nurseries, garden supply, tool and seed stores;
 - (13) Hospitals;
 - (14) Hotels and motels;
 - (15) Motor vehicle sales;
 - (16) Newspaper offices;
 - (17) Parking lots and parking structures as a principal use;
 - (18) Pawnshops;
 - (19) Plumbing and heating service and equipment stores;
 - (20) Printing and publishing establishments;
 - (21) Taxidermists;
 - (22) Tire stores, sales and service;
 - (23) Union halls, hiring halls and trade association offices/meeting rooms.
- (C) Conditional land uses and developments.
- (1) B-2 permitted and conditional uses which include drive-through facilities;
 - (2) Amusement parks, including but not limited to permanent carnivals, kiddie parks and other similar outdoor amusements;
 - (3) Building contractor's office and material storage;
 - (4) Building material and products, sales, storage and accessory manufacturing of building components;
 - (5) Bus and train stations;
 - (6) Cartage and express facilities;
 - (7) Car washes;
 - (8) Financial institutions, with drive-through facilities;
 - (9) Kennels;
 - (10) Outdoor storage in accordance with Section 150.85 of this chapter;
 - (11) Planned unit developments;
 - (12) Public utility and governmental service uses on lots having areas, widths, yards and other conditions as approved by the city council. Including, but not limited to:
 - (a) Electrical substations and booster stations,

- (b) Filtration plan, pumping station, well and water reservoir,
 - (c) Sewage treatment plant,
 - (d) Telephone exchange and microwave relay tower,
 - (e) Other government and utility uses;
- (13) Restaurants which include drive-through facilities;
 - (14) Self-storage warehouse establishments;
 - (15) Stadiums and arenas, convention, civic and exhibition centers;
 - (16) Theaters, outdoor and drive-in;
 - (17) Warehouse and storage facilities;
 - (18) Farming;
 - (19) Campgrounds with on-site potable water and toilet facilities;
 - (20) Accessory wind devices used primarily for generation of electricity for on-site use with a rated capacity of not more than 100 kilowatts (kW), such as a wind turbine, wind charger, or windmill ("wind device"). A wind device may be mounted on the roof or side of a structure provided it does not exceed 15 feet in height above the highest point of the structure, or ground-mounted on a pole or tower not exceeding 70 feet in height. Only one wind device is permitted on a zoning lot. A ground-mounted wind device must be located on a zoning lot of at least five acres, and be set back at least 125 percent of its height from all zoning lot lines. The noise level of a wind device shall not exceed 60 A-weighted decibels (dBA) as measured at the nearest zoning lot line, except during short-term events such as utility outages and severe windstorms;
 - (21) Mobile home parks on no more than 80 acres of land that is adjacent to land used for campgrounds, forest preserves, hunting preserves and/or clubs or private recreation facilities, subject to development and operation in compliance with chapter 161 of the City Code; and
 - (22) Residential uses consistent with R-3 District standards on land that is adjacent to land used for campgrounds, forest preserves, hunting preserves and/or clubs or private recreation facilities, subject to development in accordance with a residential planned unit development plan approved in accordance with article 6 of the zoning ordinance.
- (D) Bulk and density requirements.
- (1) Minimum lot area. No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.
 - (2) Minimum lot width. No minimum lot width is required.
 - (3) Building setback requirements.
 - (a) Front yard. No principal building shall be allowed within 40 feet of any lot line or street right-of-way line.
 - (b) Side yard. None required except per subsection (D)(3)(e) of this section.
 - (c) Rear yard. None required except per subsection (D)(3)(e) of this section.
 - (d) Exception. Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.
 - (e) Adjacency to a residential district. Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within 30 feet of the residential lot line.
 - (4) Maximum site coverage. Site coverage shall not exceed 70%.
 - (5) Building height limitations. No building shall exceed three stories or 45 feet in height.
- (E) Other development regulations.
- (1) Section 150.110 et seq. (Off-Street Parking and Loading).
 - (2) Section 150.120 et seq. (Signs).

(Ord. 1324, passed 1-4-00; Am. Ord. 10-02-16-01, passed 2-16-10)

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission of the City of Wilmington, IL

NOTICE IS HEREBY GIVEN that, on January 12, 2023 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 the petitioner, Steve Nelson of Nelly's, 110 Bridge Street, Wilmington, IL 60481 for a Conditional Use from 150.62(C)(13) B3-General Commercial to allow for restaurants to include drive-through facilities and Final Site Plan Review of property generally located at 110 Bridge Street in Wilmington, IL which property is described as follows:

THT PRT OF THE SW1/4 OF SEC 25, T33N-R9E., LYING E OF THE E LN OF BLK 2 IN ALDEN'S ISLAND ADDITION TO WILMINGTON, LYING S OF THE N LN OF THE S 200 FT OF SD BLK 2 IN ALDEN'S ISLAND ADDITION EXTENDED E, LYING N OF THE N LN OF BALTIMORE ST & LYING W OF THE FOLLOWING DESCRIBED LN: BEG AT A PT ON THE N LN OF SD BALTIMORE ST THT IS MEASURED S 64 DEG 00' W, 263 FT FROM THE SW COR OF BLK 4 IN ORIGINAL TOWN OF WILMINGTON; THC N 30 DEG W TO THE SD N LN OF SD S 200 FT OF BLK 2 IN ALDEN'S ISLAND ADDITION EXTENDED EAST (EX THT PRT TO THE CITY OF WILMINGTON PER R72-032100 DAF: THT PRT OF THE SW1/4 OF SEC 25, T33N-R9E., LYING E OF THE E LN OF BLK 2 IN ALDEN'S ISLAND ADDITION TO WILMINGTON, LYING S OF THE N LN OF THE S 200 FT OF SD BLK 2, IN ALDEN'S ISLAND ADDITION EXTENDED E, LYING N OF THE N LN OF BALTIMORE STREET AS NOW (1968) LOCATED & LYING W OF THE FOLLOWING DESCRIBED LN, BEG AT A PT ON THE N LN OF SD BALTIMORE ST THT IS MEASURED S 64 DEG 00' W, 263 FT FROM THE SW COR OF BLK 4 IN THE ORIGINAL TOWN OF WILMINGTON; THC N 30 DEG W TO THE SD N LN OF THE SD S 200 FT OF BLK 2 IN ALDEN'S ISLAND ADDITON EXTENDED E. SPECIFICULLY EX FROM THE FOREGOING THT PRT THEREOF LYING W'LY OF THE FOLLOWING DESCRIBED LN: BEG AT A PT ON THE N LN OF BALTIMORE ST AS NOW (1968) LOCATED IN THE CITY OF WILMINGTON THT IS MEASURED S 64 DEG 00' W, 278.50 FT FROM THE SW COR OF BLK 4 IN THE ORIGINAL TOWN OF WINCHESTER, NOW WILMINGTON; THC N 45 DEG 43' W TO A LN 200 FT N OF THE S LN OF BLK 2 IN ALDEN'S ISLAND ADDITION TO WILMINGTON) & ALSO THE S 200 FT OF BLK 2 IN ALDEN'S ISLAND ADDITION TO THE CITY OF WILMINGTON IN SD SW1/4 OF SEC 25, T33N-R9E. TOGETHER WITH THT PRT OF THE S 200 FT OF BLK 2 IN ALDEN'S ISLAND ADDITION TO THE CITY OF WILMINGTON IN SECS 25 & 36 IN T33N-R9E. & ALSO THT PRT OF THE SW1/4 OF SD SEC 25, LYING E OF THE E LN OF BLK 2 IN ALDEN'S ISLAND ADDITION TO WILMINGTON, LYING S OF THE N LN OF THE OF THE S 200 FT OF SD BLK 2 IN ALDEN'S ISLAND ADDITION EXTENDED E, LYING N OF THE N LN OF BALTIMORE ST AS NOW (1968) LOCATED, COMM AT A PT ON THE N LN OF BALTIMORE ST THT IS MEASURED S 64 DEG 00' 00" W, 204.14 FT FROM THE SW COR OF BLK 4 IN THE ORIGINAL TOWN OF WILMINGTON; THC N 45 DEG 43' 00" W, 60.09 FT TO THE POB; THC CONT N 45 DEG 43' 00" W, 170 FT; THC S 45 DEG 43' 00" W, 70.02 FT TO THE W'LY LN OF LANDS CONVEYED TO THE CITY OF WILMINGTON BY DOC# R72-032100; THC S 45 DEG 43' 00" E, 170 FT; THC N 45 DEG 43' 00" E, 70.02 FT TO THE POB. DIV/CONSOL PER R2002-185756 NDA

PIN: 03-17-25-304-007-0000

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/82280515099?pwd=WlphbUJyU3VwSHg3MTk1TINLd3ZBdz09>

Join Zoom meeting by phone:

1 312 626 6799 US

Meeting ID: 822 8051 5099 / Passcode: 738017

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



Planning and Zoning Application Form

Application Request(s)

Check 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

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

Address of Request 110 Bridge Street

Project Name Nellys Drive Thru PIN 03 172 530 40070000

General Location Nelson's Property Size _____

Present Zoning B3 Previous Zoning _____

Present Land Use Commercial Proposed Land Use _____

Reason for Request/Description of Request: Drive up window For Nellys

Building Permit Submitted? Yes No If yes, for what: Kitchen Build Out

Complete the following Development information if applicable:

Development/Subdivision Name: _____

Type of Development: Residential Commercial Industrial Institutional

Number of Units/Lots (if applicable) _____

Buildings/Improvements on Property to Remain or be Removed? (describe): remain

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:

Steve Nelson Primary Contact Nelly Business Name

160 Bridge Wilmington IL 60481 Address (City, State, Zip)

NELLY 4278 @ Yahoo.COM Email 815-739-3074 Phone

Fax

Property Owner (if different that applicant)

Name Email

Address (City, State, Zip)

Phone Fax

Project Team Attorney

Name Business Name

Address (City, State, Zip)

Email Phone

Fax

Engineer

Name Business Name

Address (City, State, Zip)

Email Phone

Fax

Project Team (Continued)
Planning/Landscape Architect Consultant

Steve Kelly
Name

Nelly's
Business Name

110 Bridgeway Wilmington NC 80451
Address (City, State, Zip)

NELLY 4278@yahoo.com
Email

815-739-3074
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.

Nelly's Build out
Project Name

Steve Dehn
Owner's Name

Applicant's Name, if different than owner

Owner's Signature

Applicant's Signature

40 Archer Wilmington NC 28401
Address (City, State, Zip)

7-25-22
Date

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



Conditional Use Application Supplement

Nelson's Furniture 7-25-22
Applicant's Name Date
290 Bridge Street Wilmington NC 28401
Address (City, State Zip)
Drive up Window For Restaurant
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 150.17 of the Wilmington Code of Ordinances provides that for a requested Conditional Use, 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) Proposed use of the property that warrants this application for a conditional use

*Drive up Window For Nelly's
making easier to access Nelly's, you will be able to order
and pay Remotely and Pick up from the window*

(b) If the proposed conditional use is approved, what improvements of construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)

*Moving Nelly's kitchen to the back of Old School
Brewing to allow a Drive up Window*

(c) Identify the existing uses of the properties within the general area of the property in question

This space is now part of Nelson's

(d) Identify the existing zoning classification of the properties within the general area of the property in question

Commercial

(e) Describe how the proposed conditional use will not have an adverse effect on the value of adjacent properties. Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.

No Change

(f) Describe how the subject property cannot be reasonably used for any of the uses currently permitted under its current zoning classification. (*Physical and market conditions may be considered.*)

(g) Does the property have appropriate public facilities, such as sewer, water and roads, and other required services?

Yes

(h) How does the proposed conditional use, and ultimately the use of the property, relate to the land use plan of the current City of Wilmington Comprehensive Plan?

Nelly's is already in the complex

(i) 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.

Making it Easier for People to Access Nelly's

(j) 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?

Should have NO effect

(k) 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.

No Effect



Variance Application Supplement

steve nelson

11-30-22

Applicant's Name

Date

110 bridge street wilmington IL 60481

Address (City, State, Zip)

nellys build out

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 150.12 of the Wilmington Code of Ordinances provides that for a requested Variance, 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) Describe the reason for the request
drive up window

(b) Describe the proposed use
pick up food

(c) How will the proposed variance impact existing and future land use?
no impact

(d) How will the proposed variance impact adjacent property values?
no impact

(e) Will the variance negatively impact the general public health, safety, and welfare:

Yes No

Explanation:

(f) Will the variance conflict with existing conditions or public improvements such as schools, sewer/water systems, parks, roads, traffic patterns, etc.:

Yes No

Explanation:

(g) Describe reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship

The only reason to move Nelly's kitchen is for the pick up window

(h) Describe how the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;
We would not have a reason to move the kitchen without a drive up window

(i) Describe how the plight of the owner is due to unique circumstances;
We currently do not have a driveup and with all the new normals with Covid this helps with delivery of food for people still not wanting to come out in public and find it easier to drive up

(j) Describe how the variation, if granted, will not alter the essential character of the locality.
Should have no barring on the look of locality



PLANNING AND ZONING COMMISSION
PETITION FOR VARIANCE

(1) Strict enforcement of the code would involve practical difficulties or impose exceptional hardship;

Yes No Explanation: we would not move the kitchen without the pickup window

(2) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;

Yes No Explanation: _____

(3) The plight of the owner is due to unique circumstances;

Yes No Explanation: n/a we are the owners

(4) The variation, if granted, will not alter the essential character of the locality. Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgment of the PZC, a variation is permitted because the evidence sustained the existence of each of the above four conditions.

Yes No Explanation: _____

Required Public Notices

Unless otherwise confirmed below by acknowledgement 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 Steve Nelson
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.

X Steve Nelson
OWNER or APPLICANT'S SIGNATURE

NOTARY PUBLIC:

Sign: *Kathryn R. Maerlin*



AFFIX STAMP HERE

SUBSCRIBED AND SWORN to before me this 1st day of December, 2022 and who has provided the proper identification and who did take an oath.



CITY REIMBURSEMENT AGREEMENT

This Agreement entered into this 1 day of Sep, 2022, between the City of Wilmington, an Illinois Municipal Corporation (hereinafter referred to as "CITY" and St. Helen (hereinafter individually and collectively referred to as "DEVELOPER").

WHEREAS, DEVELOPER proposes to Relocate Nellyx located at and commonly known as Nellyx (hereinafter referred to as "PROJECT"); and

WHEREAS, as a result of the DEVELOPER'S PROJECT, the CITY must have its City, professional staff analyze, review and comment upon and perform other services solely on the CITY'S behalf from the time of the inception of the PROJECT through its completion; and

WHEREAS, the DEVELOPER acknowledges it is responsible to pay the CITY's cost and expenses for staff services rather than impose the costs and expenses upon the CITY taxpayers and residents.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of the sufficiency of which is expressly acknowledged by the parties by the execution hereof, it is hereby agreed as follows:

SECTION ONE. PROFESSIONAL FEES. The DEVELOPER will pay the CITY any and all reasonable professional staff fees, costs, and expenses incurred by the CITY as a result of or in conjunction with the DEVELOPER'S PROJECT from the date of this Agreement through the PROJECTS completion as determined by the CITY and/or CITY acceptance of all public improvements associated with the PROJECT, whichever occurs last.

For purposes of this Agreement, the CITY'S professional staff includes, but is not limited to, the City Administrator, Finance Director, its attorneys, engineers, land planners, surveyors, traffic and transportation consultants, and any other consultants the CITY determines is necessary to advise it in consultation with this process.

Fees shall include, but not be limited to, all-time associated with reviews, analysis, discussions, meetings, inspections, planning, and other work or services performed on behalf of the CITY in conjunction with the PROJECT.

The CITY'S professional staff fees shall be billed to the DEVELOPER in the amount of fees and expenses incurred by the CITY in conjunction with the Developer's project in the following sums:

SIZE OF DEVELOPMENT	SECURITY DEPOSIT
SINGLE LOT – FIVE ACRES OR LESS	\$500.00
FIVE TO TEN ACRES	\$3,000.00
ELEVEN TO NINETY-NINE ACRES	\$8,000.00
100 ACRES OR MORE	\$10,000.00

[Current Rate Schedule Subject to Change]

SECTION TWO. SECURITY. Concurrent with the execution of the Agreement, the DEVELOPER shall post and maintain, with the CITY, as security for the DEVELOPER'S payment of such professional fees, costs and expenses. The CITY is specifically authorized to apply this security in payment of such fees, costs and expenses in the event the DEVELOPER fails to make timely payments to the CITY as required under this Agreement. The DEVELOPER is obligated to continuously maintain this amount on deposit with the CITY until the PROJECT'S completion.

SECTION THREE. PAYMENT. The CITY shall provide the DEVELOPER with an itemized statement of fees it incurred. The DEVELOPER shall pay the CITY the full amount within thirty (30) days of the date of a statement from the CITY. If the DEVELOPER does not pay the statement in full within the thirty (30) day period, interest shall accrue on the unpaid balance at the rate of eighteen percent (18%) per annum. The CITY may also, following not less than 10 days written notification to the DEVELOPER, direct that all professional staff cease work on the PROJECT and that it be held in abeyance until the Developer pays all outstanding amounts due the CITY in full, and indefinitely hold and take no further action on any professional applications, permits, licenses or other matters until fully paid or otherwise resolved.

SECTION FOUR. COOPERATION. The DEVELOPER shall fully cooperate with the CITY, notice its officials and professional staff with respect to its PROJECT.

SECTION FIVE. REPRESENTATION OF CITY ONLY. The DEVELOPER acknowledges that the CITY'S in-house and professional staff solely represents the CITY and the CITY'S interest and does not represent the DEVELOPER.

SECTION SIX. CONFLICT. If the terms and provisions of this Agreement conflict with any ordinance of the CITY or agreement between the parties, the terms, and provisions of this City Reimbursement Agreement shall supersede, set, and control any other terms and provisions.

SECTION SEVEN. ATTORNEY'S FEES. In the event any suit is brought to enforce or which otherwise affects this Agreement, or any of its provisions, the DEVELOPER, in addition to all other costs, shall pay the CITY'S reasonable attorney's, expert witness fees, costs, and expenses associated with such litigation.

SECTION EIGHT. SEVERABILITY. The invalidity of any paragraph or subparagraph of this City Reimbursement Agreement shall not impair the validity of any other paragraph or subparagraph. If any provision of this Agreement is determined to be unenforceable, such

provision shall be determined severable and the Agreement may be enforced with such provision severed or as modified by such Court.

SECTION NINE. ENTIRE AGREEMENT. This Agreement embodies the entire agreement and understanding between the parties and there are no other agreements, representations, or understandings, oral or written, between the parties with respect to the subject matter of this Agreement. No alteration, modification, amendment, or change of this Agreement shall be valid unless by like instrument.

Dated at Wilmington, Will County, Illinois on the date written above.

CITY OF WILMINGTON,
an Illinois Municipal Corporation

BY: 
Its duly authorized agent

DEVELOPER

BY: 
Its duly authorized agent

PLAT OF SURVEY

PART OF THE SOUTH 200 FEET OF BLOCK 2, IN ALDEN'S ISLAND ADDITION TO THE CITY OF WILMINGTON, IN SECTIONS 25 AND 36, IN TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE T-RD PRINCIPAL MERIDIAN, COMMENCING AT A POINT ON THE NORTH LINE OF BALTIMORE STREET THAT IS MEASURED SOUTH 84 DEGREES 00 MINUTES 00 SECONDS WEST 204.14 FEET FROM THE SOUTHWEST CORNER OF BLOCK 4, IN THE ORIGINAL TOWN OF WILMINGTON; THENCE NORTH 45 DEGREES 43 MINUTES 00 SECONDS WEST 80.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 45 DEGREES 43 MINUTES 00 SECONDS WEST 170.00 FEET; THENCE SOUTH 45 DEGREES 43 MINUTES 00 SECONDS WEST 70.02 FEET TO THE WESTERLY LINE OF LANDS CONVEYED TO THE CITY OF WILMINGTON BY DEED RECORDED AS DOCUMENT NO. R72-32100; THENCE SOUTH 45 DEGREES 43 MINUTES 00 SECONDS EAST 170.00 FEET; THENCE NORTH 45 DEGREES 43 MINUTES 00 SECONDS EAST 70.02 FEET TO THE POINT OF BEGINNING. ALL SITUATED IN WILL COUNTY, ILLINOIS.

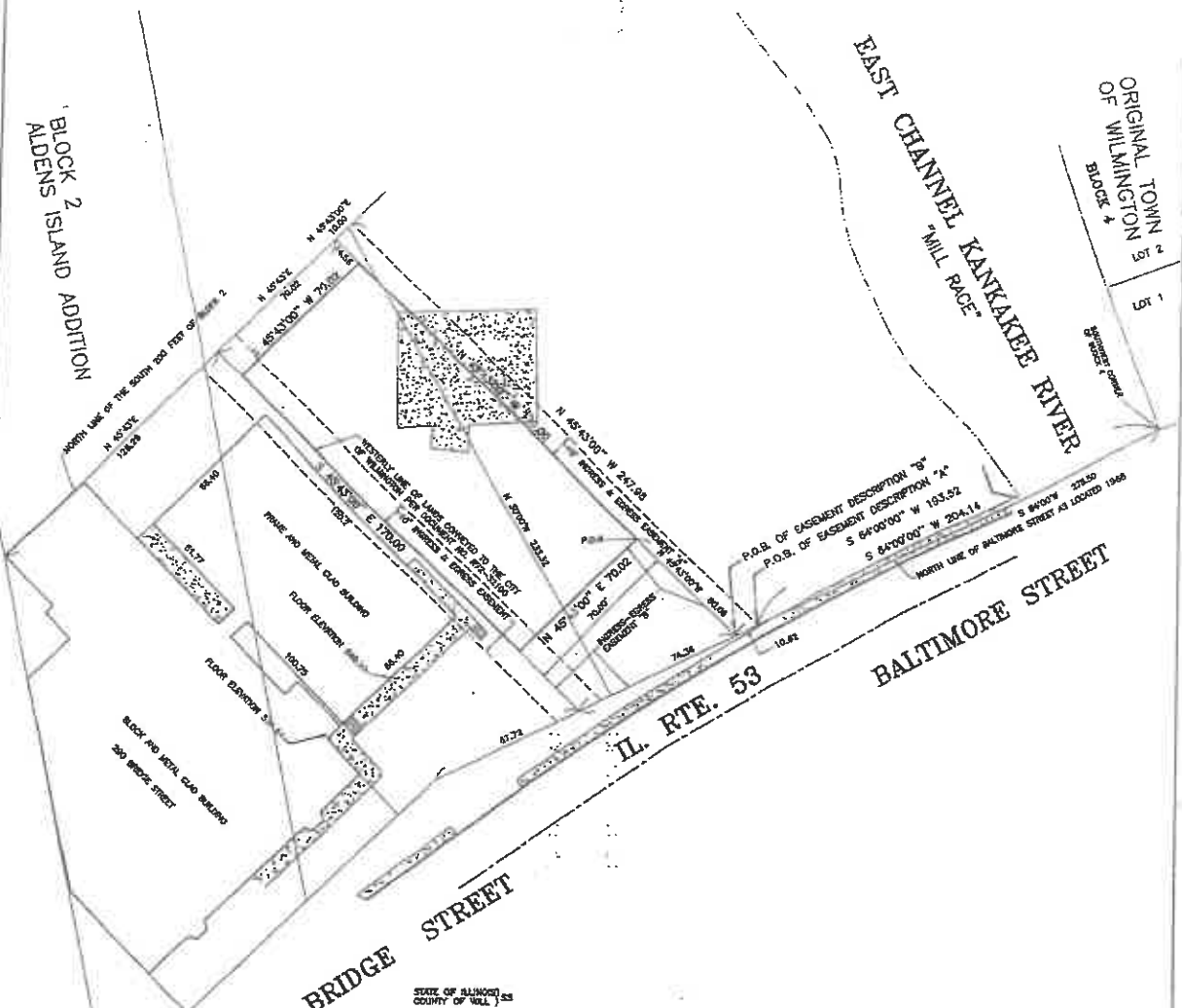
EASEMENT DESCRIPTION "A":

PART OF THE SOUTH 200 FEET OF BLOCK 2, IN ALDEN'S ISLAND ADDITION TO THE CITY OF WILMINGTON, IN SECTIONS 25 AND 36, IN TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT A POINT ON THE NORTH LINE OF BALTIMORE STREET THAT IS MEASURED SOUTH 84 DEGREES 00 MINUTES 00 SECONDS WEST 183.92 FEET FROM THE SOUTHWEST CORNER OF BLOCK 4, IN THE ORIGINAL TOWN OF WILMINGTON TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 84 DEGREES 00 MINUTES 00 SECONDS WEST 10.82 FEET; THENCE NORTH 45 DEGREES 43 MINUTES 00 SECONDS WEST 244.55 FEET TO THE NORTH LINE OF THE SOUTH 200.00 FEET OF AFORESAID BLOCK 2; THENCE NORTH 45 DEGREES 43 MINUTES 00 SECONDS EAST 10.00 FEET ALONG SAID NORTH LINE; THENCE SOUTH 45 DEGREES 43 MINUTES 00 SECONDS EAST 247.95 FEET TO THE POINT OF BEGINNING. ALL SITUATED IN WILL COUNTY, ILLINOIS.

EASEMENT DESCRIPTION "B":

PART OF THE SOUTH 200 FEET OF BLOCK 2, IN ALDEN'S ISLAND ADDITION TO THE CITY OF WILMINGTON, IN SECTIONS 25 AND 36, IN TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEGINNING AT A POINT ON THE NORTH LINE OF BALTIMORE STREET THAT IS MEASURED SOUTH 84 DEGREES 00 MINUTES 00 SECONDS WEST 204.14 FEET FROM THE SOUTHWEST CORNER OF BLOCK 4, IN THE ORIGINAL TOWN OF WILMINGTON; THENCE NORTH 45 DEGREES 43 MINUTES 00 SECONDS WEST 60.09 FEET; THENCE SOUTH 45 DEGREES 43 MINUTES 00 SECONDS WEST 70.02 FEET TO THE WESTERLY LINE OF LANDS CONVEYED TO THE CITY OF WILMINGTON BY DEED RECORDED AS DOCUMENT NO. R72-32100; THENCE SOUTH 45 DEGREES 43 MINUTES 00 SECONDS EAST TO THE AFORESAID NORTH LINE OF BALTIMORE STREET; THENCE NORTH 84 DEGREES 00 MINUTES 00 SECONDS EAST 74.35 FEET TO THE POINT OF BEGINNING. ALL SITUATED IN WILL COUNTY, ILLINOIS.

SCALE 1" = 30'



STATE OF ILLINOIS
COUNTY OF WILL)
I, JESSEL H. PROCK, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I HAVE SURVEYED, SIGNED, AND LOCATED THE IMPROVEMENTS ON AND PLATED THE LAND DESCRIBED IN THE FOREGOING CAPTION AND SHOWN ON THIS PLAT, AND THAT THIS PLAT IS A CORRECT REPRESENTATION THEREOF, DATED AT JOLIET, ILLINOIS THIS 24th DAY OF June, 2002, A.D.

PREPARED J.A.M. 6-24-02 ADED EASEMENT "B"

GEOTECH INC.
CONSULTING ENGINEERS - LAND SURVEYORS

1207 CEDARWOOD DRIVE, JOLIET, ILLINOIS 60438 815/720-1510

ROSSON CONTROL SPECIFICATIONS

SOIL EROSION CONTROL MEASURES IN ACCORDANCE WITH THE EPA'S "ILLINOIS URBAN MANUAL" AND THE CITY OF WILMINGTON SOIL EROSION AND SEDIMENT CONTROL PERFORMANCE SHALL BE FOLLOWED AS DIRECTED BY THE SOIL ENGINEER, OR VILLAGE ENGINEER. ANY SOIL EROSION CONTROL MEASURES IN ADDITION TO THOSE INTENDED IN THESE PLANS AND WHICH ARE DEEMED NECESSARY BY THE OWNER, ENGINEER, AND/OR COUNTY ENGINEER, SHALL BE IMPLEMENTED IMMEDIATELY BY THE CONTRACTOR.

PERIODIC INSPECTION AND MAINTENANCE OF ALL ROSSON CONTROL FACILITIES SHALL BE PROVIDED BY THE OWNER/DEVELOPER TO INSURE THE INTENDED PURPOSE IS ACCOMPLISHED.

STREETS ADJACENT TO THE SITE SHALL BE KEPT FREE OF DIRT, MUD AND DEBRIS AT ALL TIMES.

NO SEDIMENT SHALL BE ALLOWED TO ENTER ANY EXISTING STORM SEWER SYSTEMS OR DRAINAGEWAYS.

IN ACCORDANCE WITH THESE CONSTRUCTION PLANS, SEDIMENT STAKED STRAW BALES SHALL BE MAINTAINED AROUND STORM SEWER STRUCTURES AND WALK AREAS UNTIL VEGETATION IS ESTABLISHED AND/OR CONSTRUCTION IS COMPLETE.

TOP SOIL STOCKPILES SHALL BE LOCATED TO AVOID EROSION OF END STOCKPILE ONTO OFFSITE AREAS, I.E. STOCKPILES SHALL BE LOCATED SO THAT AN ONSITE WIND BREAKER IS LOCATED BETWEEN THE STOCKPILE AND EXISTING AREAS OF THE PROPERTY. IF A STOCKPILE IS REMAIN IN PLACE FOR MORE THAN 30 DAYS, IT IS REQUIRED THAT THE STOCKPILE BE RECOVERED TO AVOID WIND SOIL EROSION BY BOTH WIND AND WATER WITHIN DAYS OF PLACEMENT.

ALL STORM SEWER, CATCH BASINS, SLUMPS AND SEDIMENT TRAP ARE PROVIDED WITHIN THIS PROJECT ARE TO BE CLEANED AT THE END OF CONSTRUCTION OF THE PROJECT AND BEFORE FINAL ACCEPTANCE. CLEANING SHALL BE DONE DURING THE COURSE OF THE CONSTRUCTION OF THE PROJECT. IT IS DETERMINED THAT ALL STORM SEWER TRAPS ARE NOT ADEQUATELY MAINTAINED AND THAT THEIR PERFORMANCE IS BEING MONITORED.

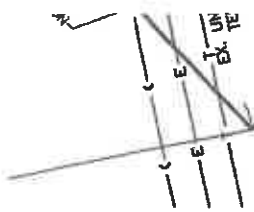
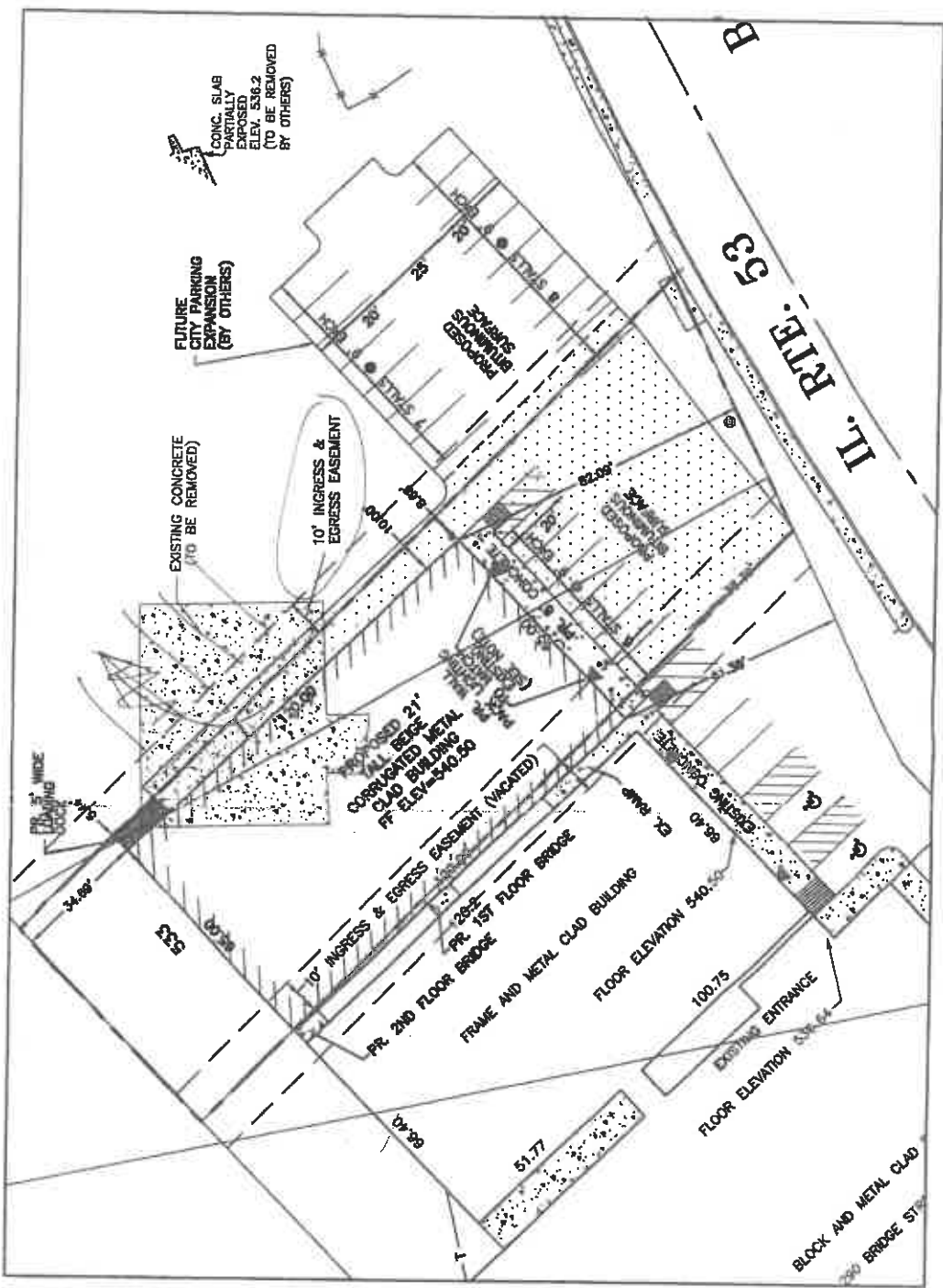
A STABILIZED CONSTRUCTION ENTRANCE FOR MUD AND SEDIMENT CONTROL SHALL BE ESTABLISHED AT THE ONSET OF CONSTRUCTION ACTIVITIES AND SHALL BE MAINTAINED THROUGHOUT THE COURSE OF THE PROJECT. THE ENTRANCE SHALL BE LOCATED GENERALLY EAST OF THE MAIN DRIVE AND AS NEAR AS ANY OTHER POINTS OF CONSTRUCTION TRAFFIC, PROBABLY LOWER THE ELEVATION ROADWAY TO ENTER/EXIT THE SITE.

SEEDING AND MULCHING SHALL BE DONE IN ACCORDANCE WITH SECTIONS 280 AND 251 OF THE IDOT STANDARD SPECIFICATIONS. THE SEED MIXTURE SHALL BE 1 LB 1 (LAWN MIXTURE).

PARKING STATISTICS:
 EXISTING SPACES = 7
 PROPOSED SPACES = 21
 TOTAL SPACES = 28

GEOMETRY DETAIL

SCALE 1"=30'





DRIVE-UP STACKING and TRAFFIC PATTERN PLAN

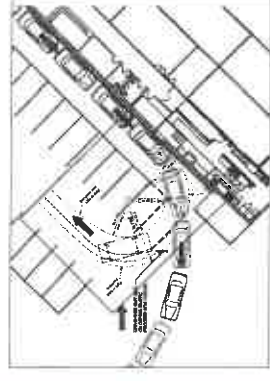


GENERAL NOTES:

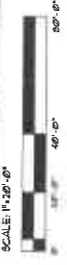
- 1. ALL WORK SHALL CONFORM TO PROJECT SPECIFICATIONS AND ALL LOCAL, STATE AND COUNTY CODES AND ORDINANCES.
- 2. CONTRACTOR SHALL FIELD VERIFY ALL UNDERGROUND UTILITIES PRIOR TO START OF CONSTRUCTION.
- 3. FOR EXISTING SITE INFORMATION NOT SHOWN ON NOTED A/E SITE PLAN DRAWING, PREPARED BY GEOTECH, INC FOR NELSON, CARLTON & ASSOCIATES, INC. DATE: 02/26/2022.

PROPOSED LEGEND:

- NEW 4" ALL CONCRETE CURB AGAINST EXISTING FOUNDATION (ALSO NOTED ON SHEET) DRILL 1 DOUBLE EXISTING WALL AS REQUIRED
- NEW PAINTED PAVEMENT MARKINGS AT THE PERIMETER
- EXISTING PAINTED PAVEMENT MARKINGS TO BE REMOVED
- DELETES NEW PAINTED DIRECTIONAL MARKINGS
- DELETES TRAFFIC DIRECTION ONLY



PASSENGER CAR TURNING RADIUS EXHIBIT



PROJECT: Nelly's Restaurant Build-Out for
 110 Bridge Street, Wilmington, IL 60481
 DATE: 11/20/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

INTERIOR RENOVATIONS BUILD-OUT for:
 Nelly's Route 66 Restaurant (Steve Nelson)
 110 Bridge Street, Wilmington, IL 60481

SHEET NO. 2328
 DATE: 11/20/2023
 SCALE: AS SHOWN

C1.00

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ORDINANCE NO. 23-02-07-01

**AN ORDINANCE APPROVING A CONDITIONAL USE
FOR PROPERTY LOCATED AT 110 BRIDGE ST., WILMINGTON, IL 60481
(Nelly's Drive-Thru Window; PIN No. 03-17-25-304-007-0000)**

WHEREAS, the City of Wilmington, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-13-1, has established zoning standards and controls within the City of Wilmington, Will County, Illinois; and

WHEREAS, Nelson's Furniture has filed a petition requesting a conditional use permit for the property commonly described as 110 Bridge Street, Wilmington, IL 60481, PIN No. 03-17-25-304-007-0000, and further described in Exhibit A (hereinafter referred to as "Subject Property"), and further certifies that it is the owner of Subject Property; and

WHEREAS, the appropriate notices were given and a public hearing was held upon said petition for conditional use by the Planning and Zoning Commission (the "PZC") of the City of Wilmington, Illinois on January 12, 2023; and

WHEREAS, at the PZC meeting, the PZC voted to recommend approval of the request by Nelson's Furniture, and summarized as follows:

1. Granting a conditional use to allow for a Drive-Thru Restaurant Window conditioned upon the owner of Subject Property and the City entering into an easement agreement; and

WHEREAS, the petition and PZC's recommendation were reviewed by City Council, and City Council finds it is in the best interest of the City of Wilmington and necessary to prevent circumstances that may be adverse to the public health, safety, and welfare to grant a conditional use permit for Subject Property with certain conditions.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilmington, Will County, Illinois, as follows:

SECTION 1: INCORPORATION OF RECITALS

The above recitals and all exhibits referred to in this Ordinance are incorporated herein.

SECTION 2:

That the following is hereby conditionally granted to Subject Property, as described in Exhibit A:

- A. A Conditional Use to allow for a Drive-Thru Restaurant Window on the east side of the building for Nelly's restaurant conditioned upon (a) the owner of Subject Property paying for the City's necessary parking lot striping and improvements to accommodate

the flow of traffic, and (b) the owner of Subject Property and the City entering into an easement agreement.

Subject Property shall otherwise comply with all other State, federal, county, and City laws and ordinances.

SECTION 3: 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 4: REPEALER

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

SECTION 5: EFFECTIVE DATE

That this Ordinance shall be in full force and effect after its adoption and approval, as provided by law.

PASSED this ____ day of _____, 2023 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 _____, 2023

Ben Dietz, Mayor

Attest:

Deputy City Clerk

Exhibit A

“Subject Property”

Common Description: 110 Bridge Street, Wilmington, IL 60481,
PIN No.: 03-17-25-304-007-0000


Legal Description: THT PRT OF THE SW1/4 OF SEC 25, T33N-R9E., LYING E OF THE E LN OF BLK 2 IN ALDEN'S ISLAND ADDITION TO WILMINGTON, LYING S OF THE N LN OF THE S 200 FT OF SD BLK 2 IN ALDEN'S ISLAND ADDITION EXTENDED E, LYING N OF THE N LN OF BALTIMORE ST & LYING W OF THE FOLLOWING DESCRIBED LN: BEG AT A PT ON THE N LN OF SD BALTIMORE ST THT IS MEASURED S 64 DEG 00' W, 263 FT FROM THE SW COR OF BLK 4 IN ORIGINAL TOWN OF WILMINGTON; THC N 30 DEG W TO THE SD N LN OF SD S 200 FT OF BLK 2 IN ALDEN'S ISLAND ADDITION EXTENDED EAST (EX THT PRT TO THE CITY OF WILMINGTON PER R72-032100 DAF: THT PRT OF THE SW1/4 OF SEC 25, T33N-R9E., LYING E OF THE E LN OF BLK 2 IN ALDEN'S ISLAND ADDITION TO WILMINGTON, LYING S OF THE N LN OF THE S 200 FT OF SD BLK 2, IN ALDEN'S ISLAND ADDITION EXTENDED E, LYING N OF THE N LN OF BALTIMORE STREET AS NOW (1968) LOCATED & LYING W OF THE FOLLOWING DESCRIBED LN, BEG AT A PT ON THE N LN OF SD BALTIMORE ST THT IS MEASURED S 64 DEG 00' W, 263 FT FROM THE SW COR OF BLK 4 IN THE ORIGINAL TOWN OF WILMINGTON; THC N 30 DEG W TO THE SD N LN OF THE SD S 200 FT OF BLK 2 IN ALDEN'S ISLAND ADDITON EXTENDED E. SPECIFICULLY EX FROM THE FOREGOING THT PRT THEREOF LYING W'LY OF THE FOLLOWING DESCRIBED LN: BEG AT A PT ON THE N LN OF BALTIMORE ST AS NOW (1968) LOCATED IN THE CITY OF WILMINGTON THT IS MEASURED S 64 DEG 00' W, 278.50 FT FROM THE SW COR OF BLK 4 IN THE ORIGINAL TOWN OF WINCHESTER, NOW WILMINGTON; THC N 45 DEG 43' W TO A LN 200 FT N OF THE S LN OF BLK 2 IN ALDEN'S ISLAND ADDITION TO WILMINGTON) & ALSO THE S 200 FT OF BLK 2 IN ALDEN'S ISLAND ADDITION TO THE CITY OF WILMINGTON IN SD SW1/4 OF SEC 25, T33N-R9E. TOGETHER WITH THT PRT OF THE S 200 FT OF BLK 2 IN ALDEN'S ISLAND ADDITION TO THE CITY OF WILMINGTON IN SECS 25 & 36 IN T33N-R9E. & ALSO THT PRT OF THE SW1/4 OF SD SEC 25, LYING E OF THE E LN OF BLK 2 IN ALDEN'S ISLAND ADDITION TO WILMINGTON, LYING S OF THE N LN OF THE OF THE S 200 FT OF SD BLK 2 IN ALDEN'S ISLAND ADDITION EXTENDED E, LYING N OF THE N LN OF BALTIMORE ST AS NOW (1968) LOCATED, COMM AT A PT ON THE N LN OF BALTIMORE ST THT IS MEASURED S 64 DEG 00' 00" W, 204.14 FT FROM THE SW COR OF BLK 4 IN THE ORIGINAL TOWN OF WILMINGTON; THC N 45 DEG 43' 00" W, 60.09 FT TO THE POB; THC CONT N 45 DEG 43' 00" W, 170 FT; THC S 45 DEG 43' 00" W, 70.02 FT TO THE W'LY LN OF LANDS CONVEYED TO THE CITY OF WILMINGTON BY DOC# R72-032100; THC S 45 DEG 43' 00" E, 170 FT; THC N 45 DEG 43' 00" E, 70.02 FT TO THE POB. DIV/CONSOL PER R2002-185756



MEMO

Date: February 2, 2023

To: Honorable Mayor Dietz and City Council Members
Bryan Wellner, City Attorney

From: Jeannine Smith, City Administrator 

Cc: Joie Ziller, Deputy Clerk
Department Supervisors

Re: Approve Ordinance No. 23-02-07-02, An Ordinance Approving a Map Amendment from R1 and R3 to B3 - General Commercial and a Conditional Use For Property Located on N. First Street, Wilmington, IL 60481 (PIN Nos. 03-17-26-403-009-0000 And 03-17-26-403-011-0000)

ACTION REQUESTED

KAB Group Development LLC (Petitioner) approached the City with a land use petition to rezone two vacant parcels of approximately .89 acres from R1-Residential to B3-General Commercial with a Conditional Use to allow for a Warehouse and Storage Facility (PIN 03-17-26-403-009-0000 and 03-17-26-403-011-0000). See attached Planning and Zoning Packet.

BACKGROUND

Last year Petitioner came before the Planning and Zoning Commission to request a rezoning and variance for placement of self-storage units at 131 N. School Street. Planning and Zoning passed the request to the City Council with a recommendation for the same. The project has since been built (known as Wildcat Self Storage) and is at 70% occupancy. Petitioner is requesting a rezoning and conditional use for a similar project on vacant lots across the street from this facility.

Petitioner has properly noticed the public in the Free Press Advocate on Wednesday, December 21, 2022. Deputy Clerk Ziller has received receipts from the petitioner for notices sent to adjacent property owners.

DISCUSSION

Properties abutting the proposed development consist of the following zoning districts:

North	R1 - Residential
South	R1 - Residential
West	I2 - Light Industrial District
East	B3 – General Commercial and I1 - Office, Research, Light Industrial

Staff finds the proposed development to be in substantial conformance with all aspects of the Zoning Code, including off street parking and loading; however, screening of adjacent residential properties has not been addressed as follows (section 150.86 of the Wilmington Municipal Zoning Code):

150.86 - Screening between nonresidential and residential zoning districts.

In situations where a nonresidential use is constructed on a commercial or industrial zoned lot, and said lot is located adjacent to a residentially zoned lot, then the developer of the nonresidential use shall provide the following screening within the required rear and/or side yard building setback area:

(A) Within this setback there shall be a landscaped area planted with one-, two- and one-half inch caliper tree for every 30 feet of common property line and other ornamental vegetation having a height not less than six feet at the time of planting so that all nonresidential buildings and uses are effectively screened from the view of abutting residential properties.

(B) In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of eight feet.

(C) The use of earth sculpting or berms may be allowed in place of the fencing provided they are designed to provide the same screening effect and are designed to avoid erosion, drainage or maintenance problems.

FINDINGS OF FACT

A hearing commenced before the Planning and Zoning Commission (PZC) on January 12, 2023. There was no public comment. The Commissioners heard the petitioner's testimony.

The Planning and Zoning Commissioners had a lively discussion on the matter and made the following findings of fact:

As to the matter of a Map Amendment -

1. The proposed rezoning conforms to the comprehensive plan; or conditions or trends of development have changed in the area of the request, since the adoption of the comprehensive plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development;
2. The proposed rezoning conforms to the intent and purpose of the Zoning Code except for Section 150.86 - Screening between nonresidential and residential zoning districts.
3. The proposed rezoning will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses;
4. Adequate public facilities and services exist or can be provided.

As to the matter of Conditional Use -

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare; and
2. 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; and
3. 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.

RECOMMENDATION

The Planning and Zoning Commission recommended approval of the Petitioner's request conditioned on the submission of a landscaping plan to be approved by the City Administrator prior to the issuance of a building permit.

The motion was made by a roll call vote with 6 ayes, 0 nays, and 1 absent

The Petitioner now comes before the City Council seeking the same approval.

City of Wilmington Planning and Zoning Staff Report

SUBJECT: Petition by KAB Group Development LLC for Map Amendment from R1- Residential to B3-General Commercial with a Conditional Use for Warehouse and Storage Facilities	AGENDA ITEM: 5 MEETING DATE: January 12, 2023
---	--

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

FROM: Jeannine Smith, City Administrator

ACTION REQUESTED:

KAB Group Development LLC (Petitioner) approached the City with a land use petition to rezone two vacant parcels of approximately .89 acres from R1-Residential to B3-General Commercial with a Conditional Use to allow for a Warehouse and Storage Facility (PIN 03-17-26-403-009-0000 and 03-17-26-403-011-0000) (see maps on following page).

BACKGROUND:

Last year Petitioner came before the Planning and Zoning Commission to request a rezoning and variance for placement of self-storage units at 131 N. School Street. Planning and Zoning passed the request to the City Council with a recommendation for the same. The project has since been built (known as Wildcat Self Storage) and is at 70% occupancy. Petitioner is requesting a rezoning and conditional use for a similar project on vacant lots across the street from this facility.

Petitioner has properly noticed the public in the Free Press Advocate on Wednesday, December 21, 2022.

PETITIONER'S NARRATIVE:

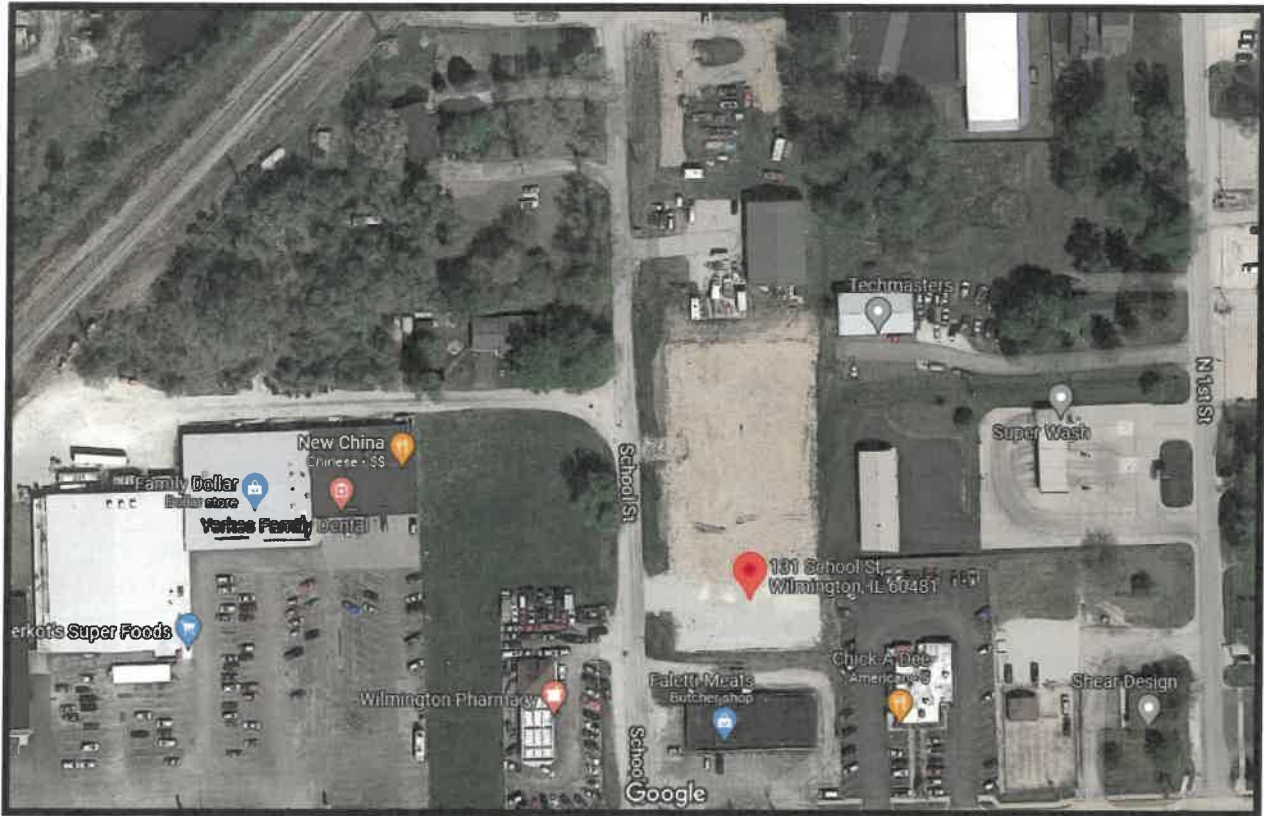
The proposed project will be built on a "vacant piece of property we own on School Street (NW of our current facility). Inevitably this will be an extension of our current facility (Wildcat Self Storage), however these units will be larger as shown on the proposed site plan drawn by our Architect.

Currently we're at about 70% occupancy at Wildcat Self Storage which is great, however we are fielding 6-8 calls/requests per week about larger units which obviously we cannot fulfill at this time. Our intent here is to develop this small .89-acre lot in the exact same capacity we did for Wildcat Self Storage, however the overall footprint / square footage will be much less. Our current facility has a total of 16,000 SF of building, this expansion to our facility will only be 10,000 SF. The good thing is we should not need to obtain any lot line variances like we had to at the existing facility.

To end, these units will match out existing units identically besides the lengths and widths will be larger. No change to color or style of the buildings."

DISCUSSION:

Picture of area slated for development and adjacent uses:



Properties abutting the proposed development consist of the following zoning districts (see zoning map):

North	R1 - Residential
South	R1 - Residential
West	I2 - Light Industrial District
East	B3 – General Commercial and I1 - Office, Research, Light Industrial

FINDINGS OF FACT:

The Planning and Zoning Commission (PZC) shall make recommendation and provide findings of fact to the city council.

Standards for map amendments

The PZC shall make findings and recommendations based upon the evidence presented to it in each specific case that:

1. The proposed rezoning conforms to the comprehensive plan; or conditions or trends of development have changed in the area of the request, since the adoption of the comprehensive plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development;
2. The proposed rezoning conforms to the intent and purpose of this chapter;
3. The proposed rezoning will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses;
4. Adequate public facilities and services exist or can be provided.

Standards for conditional uses

The city council, based upon recommendation from the PZC, shall make findings based upon the evidence presented to it in each specific case that:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare; and
2. 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; and
3. 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.

STAFF RECOMMENDATION:

Staff finds the proposed development to be in substantial conformance with all aspects of the Zoning Code, including off street parking and loading; however, screening of adjacent residential properties has not been addressed as follows (section 150.86 of the Wilmington Municipal Zoning Code):

150.86 - Screening between nonresidential and residential zoning districts.

In situations where a nonresidential use is constructed on a commercial or industrial zoned lot, and said lot is located adjacent to a residentially zoned lot, then the developer of the nonresidential use shall provide the following screening within the required rear and/or side yard building setback area:

(A) Within this setback there shall be a landscaped area planted with one-, two- and one-half inch caliper tree for every 30 feet of common property line and other ornamental vegetation having a height not less than six feet at the time of planting so that all nonresidential buildings and uses are effectively screened from the view of abutting residential properties.

(B) In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of eight feet.

(C) The use of earth sculpting or berms may be allowed in place of the fencing provided they are designed to provide the same screening effect and are designed to avoid erosion, drainage or maintenance problems.

Staff is generally supportive of this petitioner's request and respectfully suggests that the Planning and Zoning Commission make a positive recommendation to the City Council conditioned on the submission of a landscaping plan to be approved by the City Administrator prior to the issuance of a building permit.



Planning and Zoning Application Form

Application Request(s)

Check 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

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 School Street Lot

Address of Request _____

Wildcat Self Storage

Project Name _____

03-17-26-403-009-000 & 03-17-26-403-011-000

PIN _____

North School Street (NW of Current Wildcat SST Location)

General Location _____

.89 acres

Property Size _____

R1 & R3

Present Zoning _____

N/A

Previous Zoning _____

Vacant wood lot(s)

Present Land Use _____

B3 - Extension to Wildcat Self Storage (larger units)

Proposed Land Use _____

Reason for Request/Description of Request: Expansion of Wildcat Self Storage

After finding much early success at Wildcat Self Storage, the one constant request we continue to field is the need for larger

storage units. Our request to change our lots from R1 & R3 to B3 will allow us to expand our facility

to have larger units per the attached site plan. We are actively clearing the land in anticipation of breaking ground in the Spring of 2023. We will utilize these winter months to shore up permitting

Building Permit Submitted? Yes No If yes, for what: _____

Complete the following Development information if applicable:

Development/Subdivision Name: SOUTHEAST FRACTIONAL 1/4 OF SECTION 26, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD P.M. DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE FRACTION _____

Type of Development: Residential Commercial Industrial Institutional

(2) buildings

Number of Units/Lots (if applicable) _____

Buildings/Improvements on Property to Remain or be Removed? (describe): _____

Lot will be cleared of all trees/brush/vegetation so that similar development to Wildcat Self Storage

will be able to happen. We will construct (2) buildings & pave entire site

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:

Eric Kempes

Primary Contact

812 Wildcat Ct

Address (City, State, Zip)

erickempes08@yahoo.com

Email

Fax

KAB Group Development LLC

Business Name

630-750-1279

Phone

Property Owner (if different than applicant)

Name

Email

Address (City, State, Zip)

Phone

Fax

Project Team

Attorney

Frank Meents

Name

207 S Water Street, Wilmington IL 60481

Address (City, State, Zip)

Email

Meents Law, P.C.

Business Name

Phone

Fax

Engineer

Eric Carls

Name

20 Gunia Ave, Peru Illinois 61354

Address (City, State, Zip)

ecarls@carlseng.com

Email

Carls Engineering & Consulting

Business Name

(815) 343-3899

Phone

Fax

Project Team (Continued)
Planning/Landscape Architect Consultant

Cody Marks
Name _____

Peak Steel
Business Name _____

1130 Commerce Drive, Madison, GA 30650
Address (City, State, Zip) _____

cmarks@peaksteelbuildings.com
Email _____

770-722-9445
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.

Wildcat Self Storage

Project Name

Eric Kempes

Owner's Name

Applicant's Name, if different than owner

Owner's Signature

812 Wildcat Ct, Wilmington, IL 60481

Address (City, State, Zip)

12/12/2022

Date

Applicant's Signature

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:

Eric Kempes

Name

Wildcat Self Storage

Business Name

131 N School Street, Wilmington IL 60481

Address (City, State, Zip)

erickempes08@yahoo.com

Email

630-750-1279

Phone

2. NATURE OF BENEFIT SOUGHT: Map Amendmant to allow expansion of Wildcat Self Storage

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.

NAME

ADDRESS

INTEREST

a. Christopher Alberico 32466 S Butcher Lane, Wilmington 32.5%

b. Bryan Bianchetta 30880 Sea Sprite Drive, Wilmington 32.5%

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:

Eric Kempes Name	President, KAB Group Development LLC Capacity
812 Wildcat Ct Address (City, State, Zip)	
erickempes08@yahoo.com Email	630-750-1279 Phone

VERIFICATION

I, Eric Kempes, 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, Eric Kempes, 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.

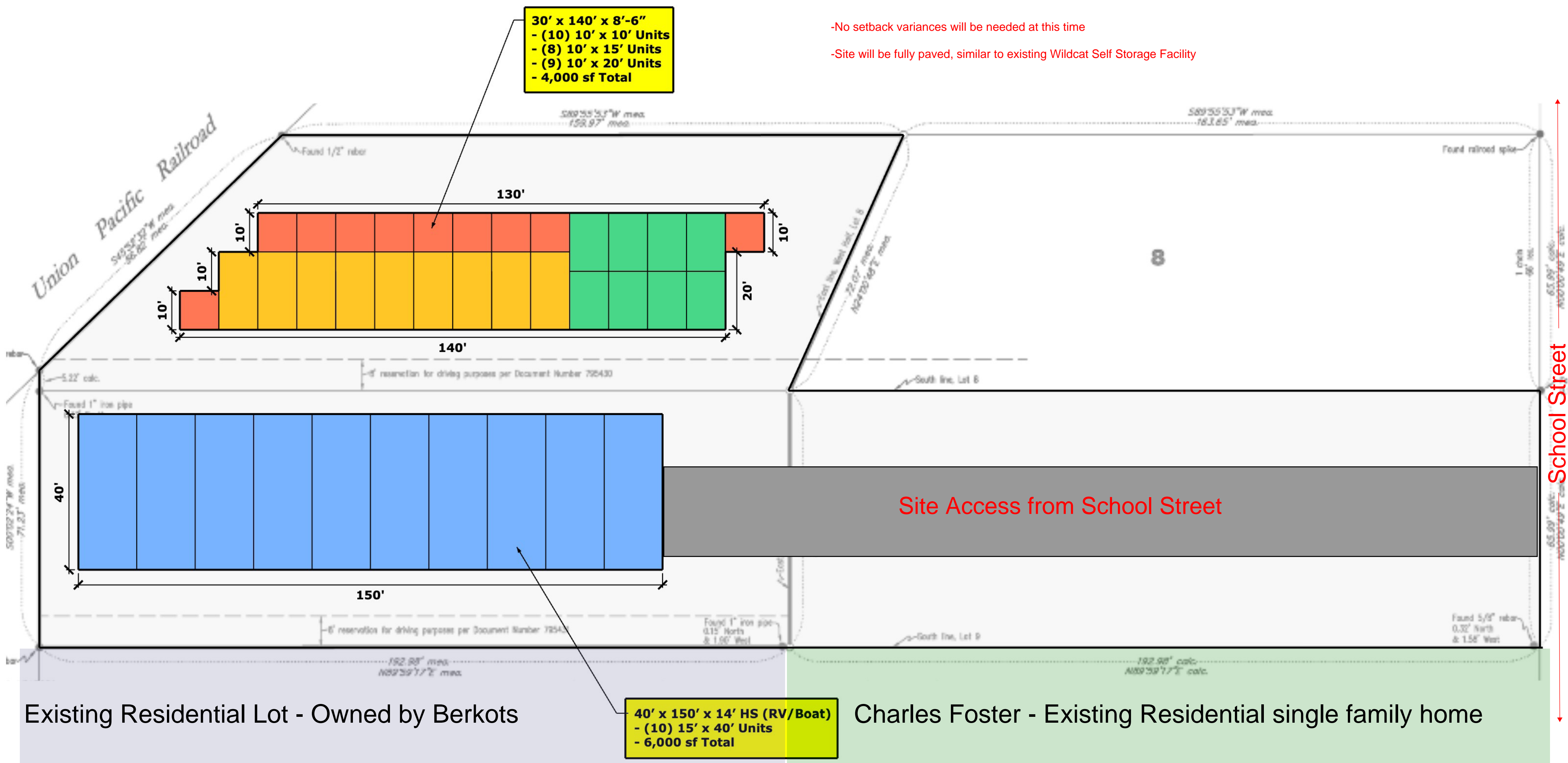
BY: _____
Signature

Eric Kempes
Printed Name

Signed and sworn to before me this
12 day of December, 2022.

NOTARY PUBLIC

(Seal)



30' x 140' x 8'-6"
 - (10) 10' x 10' Units
 - (8) 10' x 15' Units
 - (9) 10' x 20' Units
 - 4,000 sf Total

-No setback variances will be needed at this time
 -Site will be fully paved, similar to existing Wildcat Self Storage Facility

Existing Residential Lot - Owned by Berkots

40' x 150' x 14' HS (RV/Boat)
 - (10) 15' x 40' Units
 - 6,000 sf Total

Charles Foster - Existing Residential single family home

Site Access from School Street

School Street

NOTICE OF PUBLIC HEARING
Planning and Zoning Commission of the City of Wilmington, IL

NOTICE IS HEREBY GIVEN that, on January 12, 2023, 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 the petitioner, KAB Group Development LLC, 812 Wildcat Court, Wilmington, IL 60481 for a Map Amendment to R1-Residential Single Family to B3-General Commercial with a Conditional Use for Warehouse and Storage Facilities under 150.62(C)(14) on the combined .89 acres of property located on the northwest corner of School Street in Wilmington, IL which property is described as follows:

THE W1/2 LOTS 8 & 9 IN GOODINGS SUB OF BLK 11OF THOMPSONS SUB, A SUB OF PRT OF THE W1/2 SE1/4 SEC 26 T33N-R9E
PIN #03-17-26-403-009-0000

and

THE E1/2 LOT 9 IN GOODINGS SUB OF BLK 11OF THOMPSONS SUB, A SUB OF PRT OF THE W1/2 SE1/4 SEC 26 T33N-R9E
PIN #03-17-26-403-011-0000

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/82280515099?pwd=WlphbUlyU3VwSHg3MTk1TINld3ZBdz09>

Join Zoom meeting by phone:

1 312 626 6799 US

Meeting ID: 822 8051 5099 / Passcode: 738017

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.

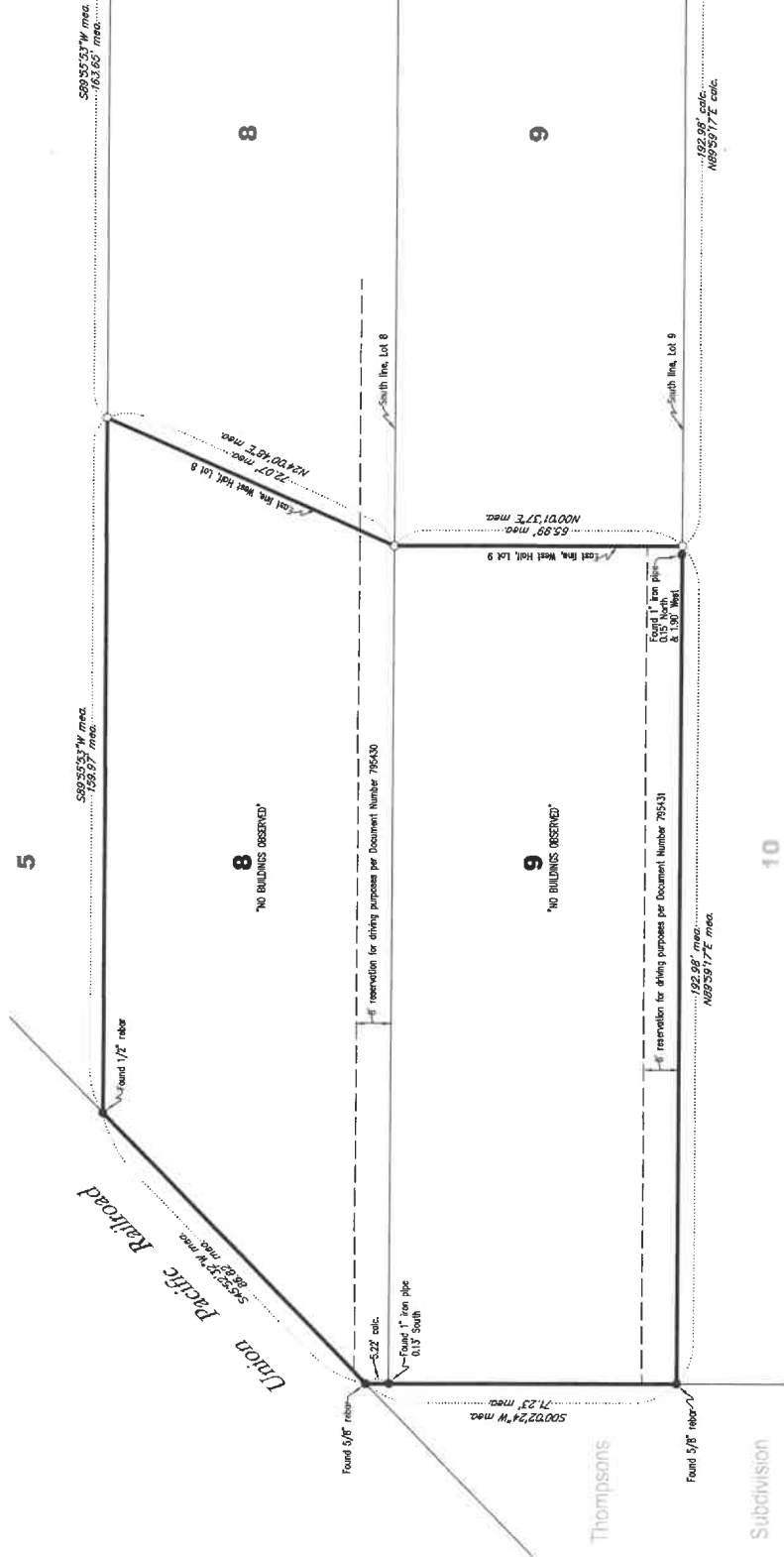
City of Wilmington
Will County, Illinois

PLAT OF SURVEY

THE WEST 1/2 OF LOTS 8 AND 9 IN COOKINGS SUBDIVISION OF BLOCK 11 OF THOMPSON'S SUBDIVISION, A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.



BEARINGS ARE BASED ON AN ASSUMED MERIDIAN.



PARCEL AREA
24,498 Square Feet
(0.562 Acres)



NOTES
1. THE BOUNDARY STRIKES LISTED ARE LOCATED ON THE P.L.S. SUBDIVISION RECORDATION RECORDS. THE SURVEYED PARCEL MAY BE SHOWN ON THE RECORDATION RECORDS AS DOCUMENT NUMBER 785430 OR 785431. NO DESCRIPTION OF THE DOCUMENT AREA IS PROVIDED IN THIS DOCUMENT.

STATE OF ILLINOIS }
COUNTY OF GRUNDY }
I, STEVEN C. J. STEVENS, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3327,
DO HEREBY CERTIFY THAT THE SURVEY AND MONUMENTS DESCRIBED
IN THE ABOVE CAPTION AND AS SHOWN ON THE ANVICED PLAT,
WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY,
GIVEN UNDER MY HAND AND SEAL, THIS 10th DAY OF SEPTEMBER, 2022.



BY *Stevens*
STEVEN C. J. STEVENS
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3327
(LICENSE RENEWAL DATE 11-30-2022)
THE ILLINOIS BOARD OF SURVEYORS
STANDARDS FOR A BOUNDARY SURVEY.

IF ANY INSTRUMENT OF THIS KIND IS DRAWN, IT MUST BEAR THE HAND SEAL OF THE PROFESSIONAL SURVEYOR WHO PREPARED THIS INSTRUMENT.

STEVENS SURVEYING, INC.
Land Surveying / Land Planning
MORRIS, ILLINOIS 62443
PH. (618) 941-1288

DATE: 09-10-2022
SCALE: 1"=20'
SHEET: 15-27
SHEET NO.: 15-27
DRAWING NO.: 22-253 LS

COMMUNITY SURVEY INC.

81 N Chicago Street, Suite 207
Joliet, IL 60432
(815) 722-9005 (815) 722-9019 Fax

- INVOICE -

Eric Kempes

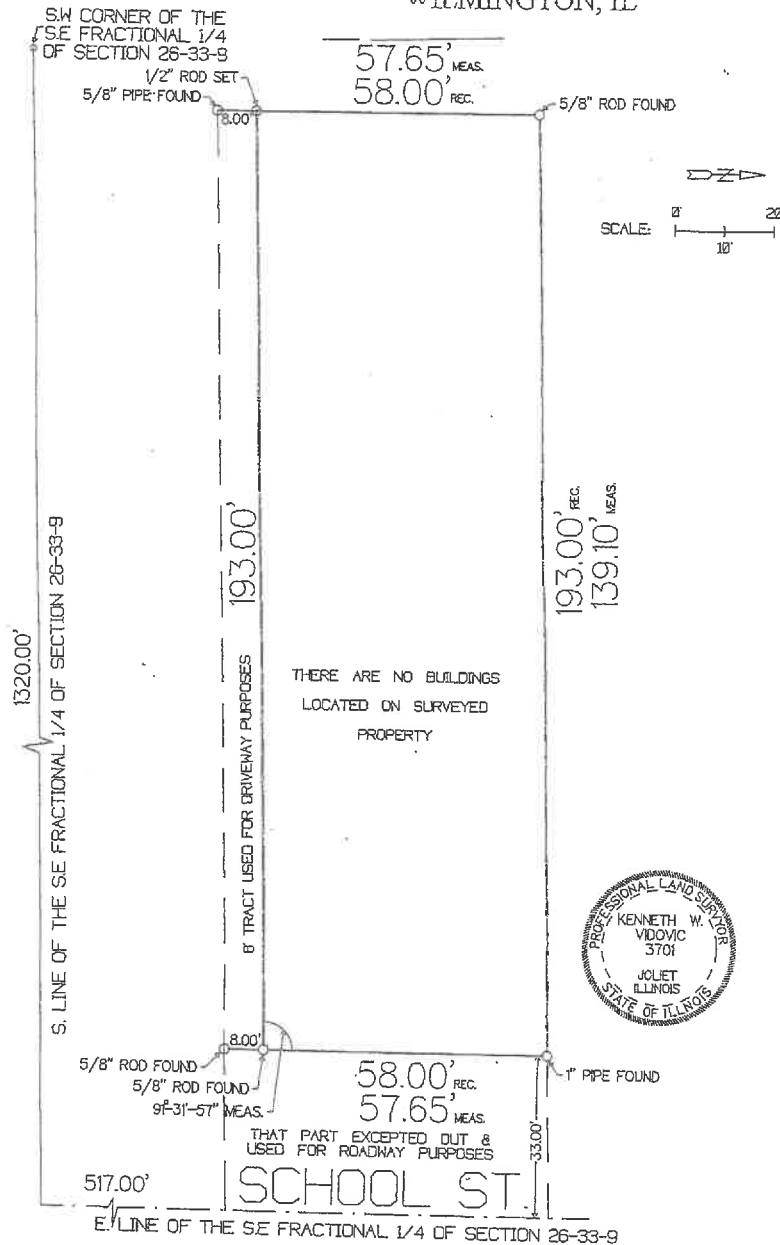
Invoice Number: 22-29597
Date: Dec. 21, 2022

Description	Amount
- Survey for School St, Wilmington, IL	\$ 600.00
<i>PAID 12/21/2022</i> <i>Kim T. Kim</i>	
Payment Due Net 30 Days Please remit survey number on all correspondence. Thank you for using Community Survey, Inc.	Total <u>\$ 600.00</u>

PLAT OF SURVEY

THAT PART OF THE SOUTHEAST FRACTIONAL 1/4 OF SECTION 26, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST FRACTIONAL 1/4 OF SAID SECTION, THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHEAST FRACTIONAL 1/4 OF SAID SECTION A DISTANCE OF 1320.0 FEET THENCE NORTH 0-04' WEST A DISTANCE OF 517.0 FEET TO THE POINT OF BEGINNING: THENCE NORTH 0-04' WEST A DISTANCE OF 66.0 FEET THENCE WEST ALONG A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST FRACTIONAL 1/4 OF SAID SECTION A DISTANCE OF 226.0 FEET THENCE SOUTH 0.04' EAST A DISTANCE OF 66.0 FEET THENCE EAST ALONG A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST FRACTIONAL 1/4 OF SAID SECTION A DISTANCE OF 226.0 FEET TO THE POINT OF BEGINNING. (EXCEPTING AND RESERVING FROM THE ABOVE DESCRIBED TRACT THE EAST 33.0 FEET THEREOF TO BE USED FOR SEVERAL PURPOSES; ALSO, EXCEPTING AND RESERVING FROM THE ABOVE DESCRIBED TRACT THE SOUTH 8.0 FEET THEREOF, TO BE USED FOR DRIVEWAY PURPOSES, AS AN OUTLET FOR THE OWNER OR OWNERS OF THE TRACT LYING WEST OF THE TRACT HEREBY CONVEYED), ALL IN WILL COUNTY, ILLINOIS.

SCHOOL STREET
WILMINGTON, IL



COMMUNITY SURVEY INC.

81 N. CHICAGO STREET, SUITE 207
JOLIET, IL 60432

(815) 722-9005 (815) 722-9019 - fax

EMAIL: kvcommunitysurvey@att.net

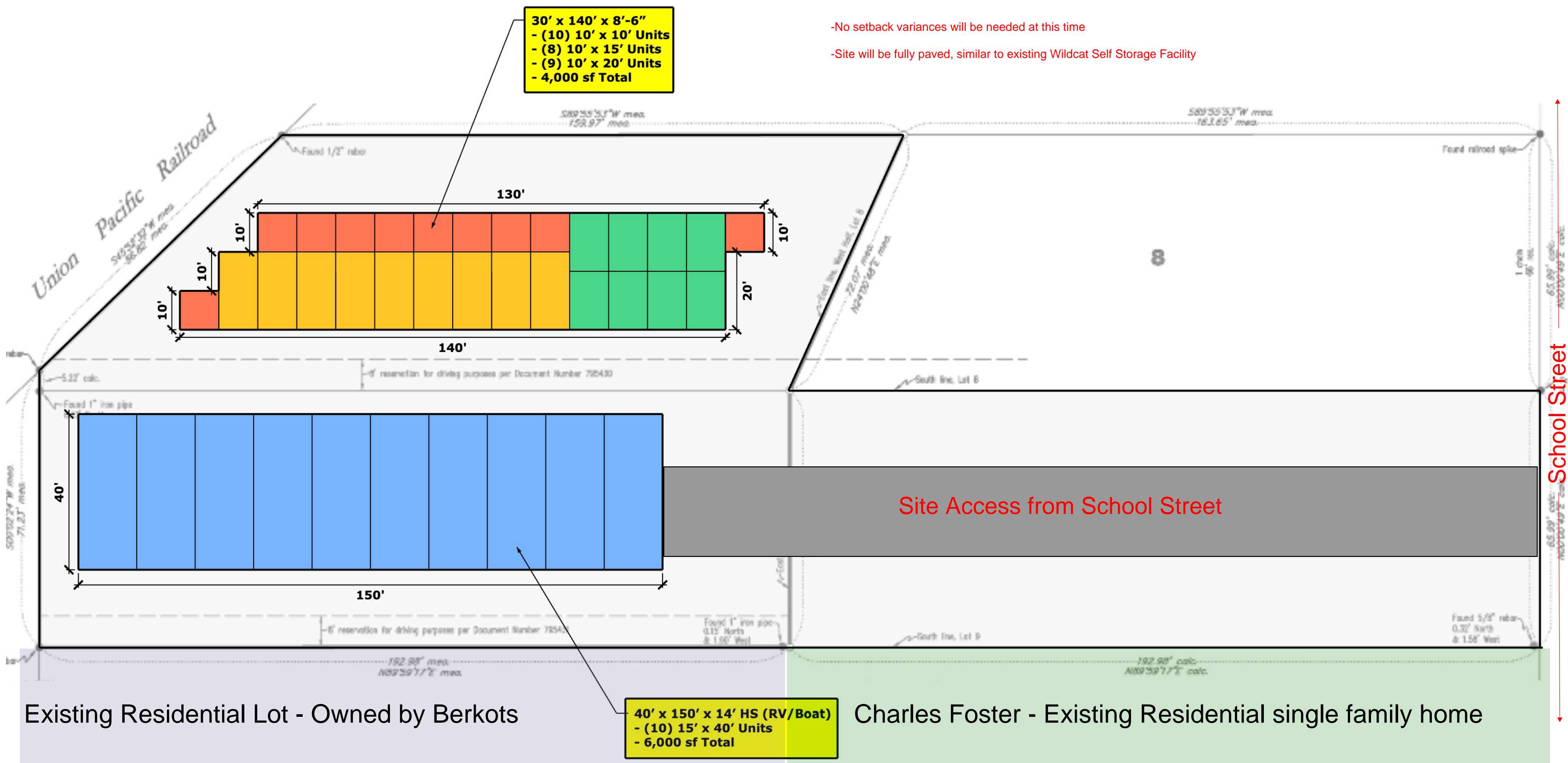
DESIGN FIRM NO. 184-002899

CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY. COMPARE POINTS BEFORE BUILDING.

WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE SURVEYED FOR ERIC KEMPES UNDER MY HAND AND SEAL THIS 21ST DAY OF DECEMBER 2022. FIELD WORK 12/21/2022. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SURVEY NUMBER 22-29597

[Signature]
ILLINOIS LAND SURVEYOR NO. 3701
EXPIRES 11/30/2024



30' x 140' x 8'-6"
 - (10) 10' x 10' Units
 - (8) 10' x 15' Units
 - (9) 10' x 20' Units
 - 4,000 sf Total

-No setback variances will be needed at this time
 -Site will be fully paved, similar to existing Wildcat Self Storage Facility

Existing Residential Lot - Owned by Berkots

40' x 150' x 14' HS (RV/Boat)
 - (10) 15' x 40' Units
 - 6,000 sf Total

Charles Foster - Existing Residential single family home

Site Access from School Street

ORDINANCE NO. 23-02-07-02

AN ORDINANCE APPROVING A MAP AMENDMENT FROM R1 AND R3 TO B3 - GENERAL COMMERCIAL AND A CONDITIONAL USE FOR VACANT PROPERTY LOCATED ON SCHOOL STREET, WILMINGTON, IL 60481 (PIN Nos. 03-17-26-403-009-0000 and 03-17-26-403-011-0000)

WHEREAS, the City of Wilmington, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-13-1, has established zoning standards and controls within the City of Wilmington, Will County, Illinois; and

WHEREAS, KAB Group Development, LLC has filed a petition requesting a map amendment and conditional use permit for the vacant property on School Street, Wilmington, IL 60481, PIN Nos. 03-17-26-403-009-0000 and 03-17-26-403-011-0000, and further described in Exhibit A (hereinafter referred to as “Subject Property”), and further certifies that it is the owner of Subject Property; and

WHEREAS, the appropriate notices were given and a public hearing was held upon said petition for a map amendment and conditional use by the Planning and Zoning Commission (the “PZC”) of the City of Wilmington, Illinois on January 12, 2023; and

WHEREAS, at the PZC meeting, the PZC voted to recommend approval of the request by KAB Group Development, LLC, and summarized as follows:

1. Granting a map amendment from R-1 and R3 to B-3 General Commercial with a conditional use to allow for self-storage warehousing conditioned upon approval by City staff of a landscaping plan that complies with the City’s ordinances and includes adequate screening; and

WHEREAS, the petition and PZC’s recommendation were reviewed by City Council, and City Council finds it is in the best interest of the City of Wilmington and necessary to prevent circumstances that may be adverse to the public health, safety, and welfare to grant a map amendment and a conditional use permit for Subject Property with certain conditions.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilmington, Will County, Illinois, as follows:

SECTION 1: INCORPORATION OF RECITALS

The above recitals and all exhibits referred to in this Ordinance are incorporated herein.

SECTION 2:

That the following is hereby conditionally granted to Subject Property conditioned upon approval by City staff of a landscaping plan that includes adequate screening on any sides of the Subject Property that are adjacent to residential parcels and complies with the City’s ordinances:

- A. Subject Property, as described in Exhibit A, is hereby granted a map amendment from an R-1 and R-3 Zoning Districts to a B-3 General Commercial Zoning District as defined in the Wilmington Code of Ordinances, a copy of which is attached hereto as Exhibit B. The Zoning Map of the City of Wilmington shall be amended to reflect such map amendment; and
- B. Conditional Use is granted to Subject Property to allow for self-storage warehousing, subject to the regulations set forth in Section 150.17 of the City of Wilmington Code of Ordinances.

Subject Property shall otherwise comply with all other State, federal, county, and City laws and ordinances.

SECTION 3: 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 4: REPEALER

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

SECTION 5: EFFECTIVE DATE

That this Ordinance shall be in full force and effect after its adoption and approval, as provided by law.

PASSED this ____ day of _____, 2023 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 _____, 2023

Ben Dietz, Mayor

Attest:

Deputy City Clerk

Exhibit A

“Subject Property”

Common Description: School Street, Wilmington, IL 60481,
PIN No.: 03-17-26-403-009-0000 and 03-17-26-403-011-0000
Legal Description: THE W1/2 LOTS 8 & 9 IN GOODINGS SUB OF BLK 11OF
THOMPSONS SUB, A SUB OF PRT OF THE W1/2 SE1/4 SEC
26 T33N-R9E PIN #03-17-26-403-009-0000
and
THE E1/2 LOT 9 IN GOODINGS SUB OF BLK 11OF
THOMPSONS SUB, A SUB OF PRT OF THE W1/2 SE1/4 SEC
26 T33N-R9E
PIN #03-17-26-403-011-0000

Exhibit B

150.62 - B-3 General Commercial District.

- (A) Purpose and intent. The B-3 General Commercial District is intended to accommodate retail and wholesale commercial activities which are adjacent to arterial streets and serves the population of the city and its surrounding areas.
- (B) Permitted land uses and developments.
- (1) Any use permitted in the B-2 Light Commercial District;
 - (2) Accessory uses;
 - (3) Amusement establishments including, but not limited to, bowling alleys, pool halls, dance halls, skating rinks, video arcades and banquet facilities;
 - (4) Animal hospitals;
 - (5) Automobile service stations, repair facilities and car washes when used in conjunction with the automobile service station;
 - (6) Automobile, truck and recreational vehicle sales and rental;
 - (7) Bars, taverns and package liquor stores;
 - (8) Boat showrooms, sales and repairs;
 - (9) Electrical showrooms and shops;
 - (10) Farm implement, feed and seed stores;
 - (11) Garages for storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding;
 - (12) Greenhouses, nurseries, garden supply, tool and seed stores;
 - (13) Hospitals;
 - (14) Hotels and motels;
 - (15) Motor vehicle sales;
 - (16) Newspaper offices;
 - (17) Parking lots and parking structures as a principal use;
 - (18) Pawnshops;
 - (19) Plumbing and heating service and equipment stores;
 - (20) Printing and publishing establishments;
 - (21) Taxidermists;
 - (22) Tire stores, sales and service;
 - (23) Union halls, hiring halls and trade association offices/meeting rooms.
- (C) Conditional land uses and developments.
- (1) B-2 permitted and conditional uses which include drive-through facilities;
 - (2) Amusement parks, including but not limited to permanent carnivals, kiddie parks and other similar outdoor amusements;
 - (3) Building contractor's office and material storage;

- (4) Building material and products, sales, storage and accessory manufacturing of building components;
 - (5) Bus and train stations;
 - (6) Cartage and express facilities;
 - (7) Car washes;
 - (8) Financial institutions, with drive-through facilities;
 - (9) Kennels;
 - (10) Outdoor storage in accordance with Section 150.85 of this chapter;
 - (11) Planned unit developments;
 - (12) Public utility and governmental service uses on lots having areas, widths, yards and other conditions as approved by the city council. Including, but not limited to:
 - (a) Electrical substations and booster stations,
 - (b) Filtration plant, pumping station, well and water reservoir,
 - (c) Sewage treatment plant,
 - (d) Telephone exchange and microwave relay tower,
 - (e) Other government and utility uses;
 - (13) Restaurants which include drive-through facilities;
 - (14) Self-storage warehouse establishments;
 - (15) Stadiums and arenas, convention, civic and exhibition centers;
 - (16) Theaters, outdoor and drive-in;
 - (17) Warehouse and storage facilities;
 - (18) Farming;
 - (19) Campgrounds with on-site potable water and toilet facilities;
 - (20) Accessory wind devices used primarily for generation of electricity for on-site use with a rated capacity of not more than 100 kilowatts (kW), such as a wind turbine, wind charger, or windmill ("wind device"). A wind device may be mounted on the roof or side of a structure provided it does not exceed 15 feet in height above the highest point of the structure, or ground-mounted on a pole or tower not exceeding 70 feet in height. Only one wind device is permitted on a zoning lot. A ground-mounted wind device must be located on a zoning lot of at least five acres, and be set back at least 125 percent of its height from all zoning lot lines. The noise level of a wind device shall not exceed 60 A-weighted decibels (dBA) as measured at the nearest zoning lot line, except during short-term events such as utility outages and severe windstorms;
 - (21) Mobile home parks on no more than 80 acres of land that is adjacent to land used for campgrounds, forest preserves, hunting preserves and/or clubs or private recreation facilities, subject to development and operation in compliance with chapter 161 of the City Code; and
 - (22) Residential uses consistent with R-3 District standards on land that is adjacent to land used for campgrounds, forest preserves, hunting preserves and/or clubs or private recreation facilities, subject to development in accordance with a residential planned unit development plan approved in accordance with article 6 of the zoning ordinance.
- (D) Bulk and density requirements.
- (1) Minimum lot area. No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.

- (2) Minimum lot width. No minimum lot width is required.
- (3) Building setback requirements.
 - (a) Front yard. No principal building shall be allowed within 40 feet of any lot line or street right-of-way line.
 - (b) Side yard. None required except per subsection (D)(3)(e) of this section.
 - (c) Rear yard. None required except per subsection (D)(3)(e) of this section.
 - (d) Exception. Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.
 - (e) Adjacency to a residential district. Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within 30 feet of the residential lot line.
- (4) Maximum site coverage. Site coverage shall not exceed 70%.
- (5) Building height limitations. No building shall exceed three stories or 45 feet in height.
- (E) Other development regulations.
 - (1) Section 150.110 et seq. (Off-Street Parking and Loading).
 - (2) Section 150.120 et seq. (Signs).

(Ord. 1324, passed 1-4-00; Am. Ord. 10-02-16-01, passed 2-16-10)



City of Wilmington Police Department

Adam Zink, Chief of Police

To: Mayor Dietz and Wilmington City Council

From: Chief Adam Zink

Date: 7 February 2023

Re: Hiring

Continuing our efforts to maintain (and eventually grow) staffing levels at the police department, I am requesting approval to hire one (1) additional Police Officer immediately. We have secured 2 slots for the April academy class, but due to a lack of viable candidates it is likely that we will only be able to fill one spot at this time.

Our final candidate on the current hiring list is in his final stages of testing, and appears to be a good fit for Wilmington. Assuming no major setbacks, I would like to have him sworn in at the next council meeting (2/21).

Thanks for your consideration in this matter.

Resolution No. 2023-03

RESOLUTION TO DISPOSE OF SURPLUS PROPERTY

WHEREAS, 65 ILCS 5/11-76-4 provides for the methodology to dispose of certain municipal property which is no longer necessary or useful to the city; and

WHEREAS, the City Council of the City of Wilmington has determined that the City of Wilmington no longer needs the items of personal property on the attached Exhibit A, and such items are surplus property.

THEREFORE, BE IT RESOLVED, that the City Council declares that the items on the attached Exhibit to be surplus property; and

BE IT FURTHER RESOLVED that if the cost of disposal, sale, and transportation of the items is more than they are worth, then the items are declared worthless and may be junked or demolished.

BE IT FURTHER RESOLVED that the surplus property may be transferred to another governmental agency or unit pursuant to Illinois statutes.

NOW THEREFORE BE IT RESOLVED that the City Administrator is hereby authorized to dispose of property identified in Exhibit A in a manner consistent with Illinois law as set forth above.

ADOPTED this 7th day of February 2023 with _____ members voting aye, 0 members voting nay, the Mayor voting N/A, with 0 members abstaining or passing and said vote being:

Ryan Jeffries _____
Ryan Knight _____
Jonathan Mietzner _____
Thomas Smith _____

Kevin Kirwin _____
Dennis Vice _____
Leslie Allred _____
Todd Holmes _____

Approved this 7th day of February 2023

Ben Dietz, Mayor

Attest:

Joie Ziller, Deputy City Clerk

Exhibit A

**Surplus Sheet
City of Wilmington**

Date: 02/07/2023
Name: City of Wilmington
Address: 1165 S. Water Street
Wilmington, IL 60481

Description	Unit Value	Value
Yealink Desk Phones and Equipment	N/A	N/A
Various Outdated Furniture and Fixtures Related to the Mayor's Office, Building Department, and Council Chambers	N/A	N/A