





Revised
Land Use Petition
City of Wilmington, Illinois

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

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

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

Subject Property

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

The following documents have been attached:

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

Type of Action Requested

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

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

Statement of Petition

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

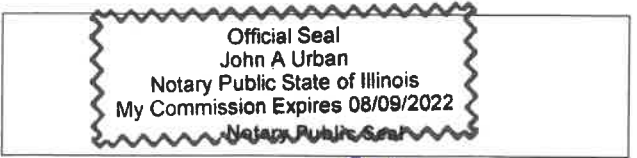
To allow for a properly sized building for sufficient economic return Petitioner requests a Conditional Use Permit for a planned Unit development along with variances for a POD of less than 1 acre and a N. Main Street setback variance from 40 feet to 14.5' and a Mill Street setback variance from 40 feet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

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

Authorization

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

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



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

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

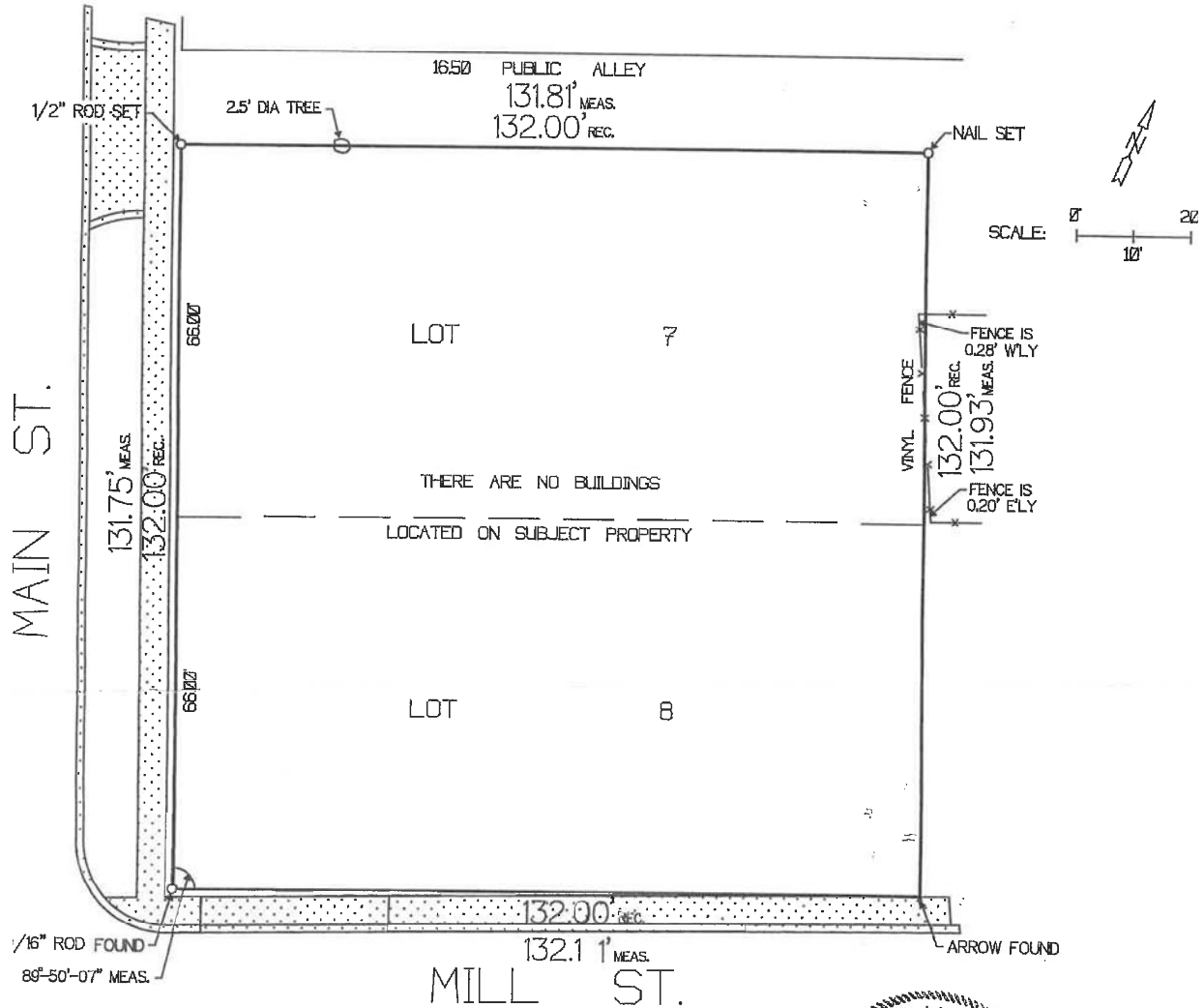
Given under my hand and notary seal this 7th day of October, A.D. 2019

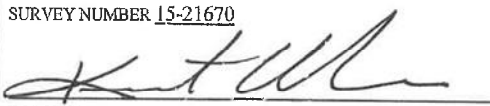


# PLAT OF SURVEY

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

NORTH MAIN & MILL STREET  
WILMINGTON, IL



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

# Memorandum

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

---

## Summary

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

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

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

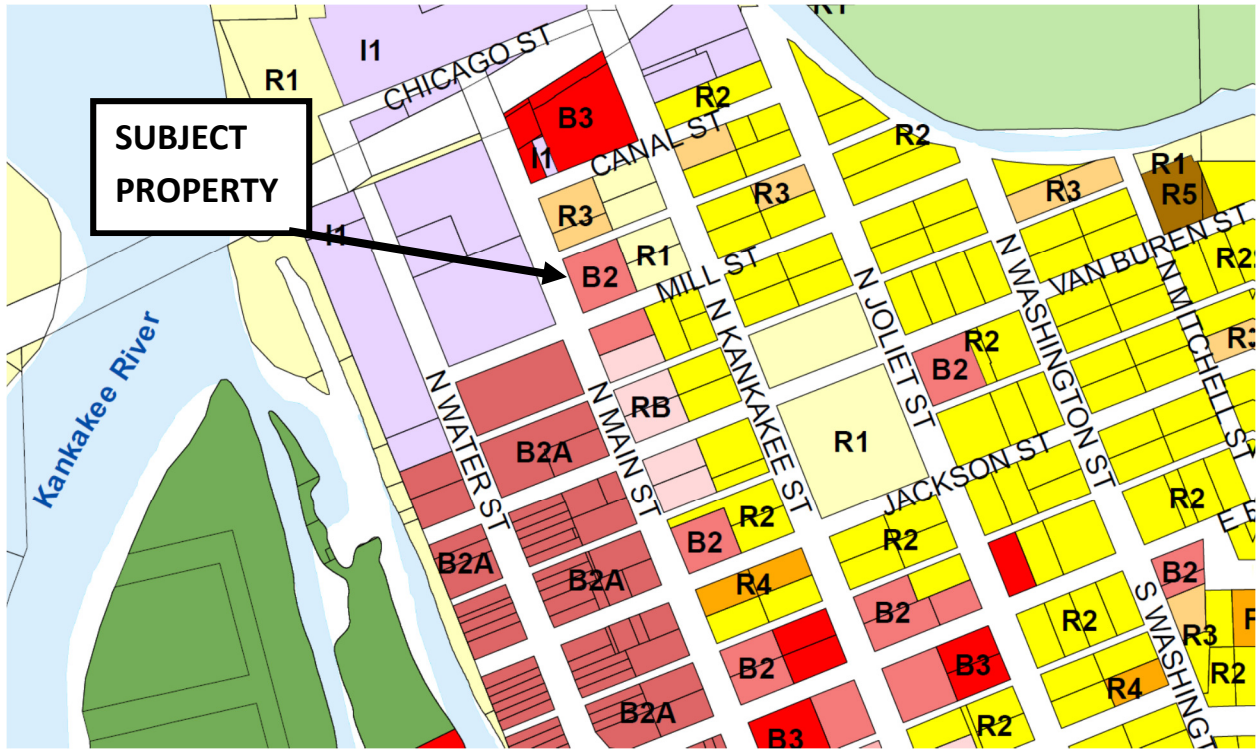
Staff have reviewed the above referenced plans and all engineering and planning comments have been addressed.

## Current Zoning

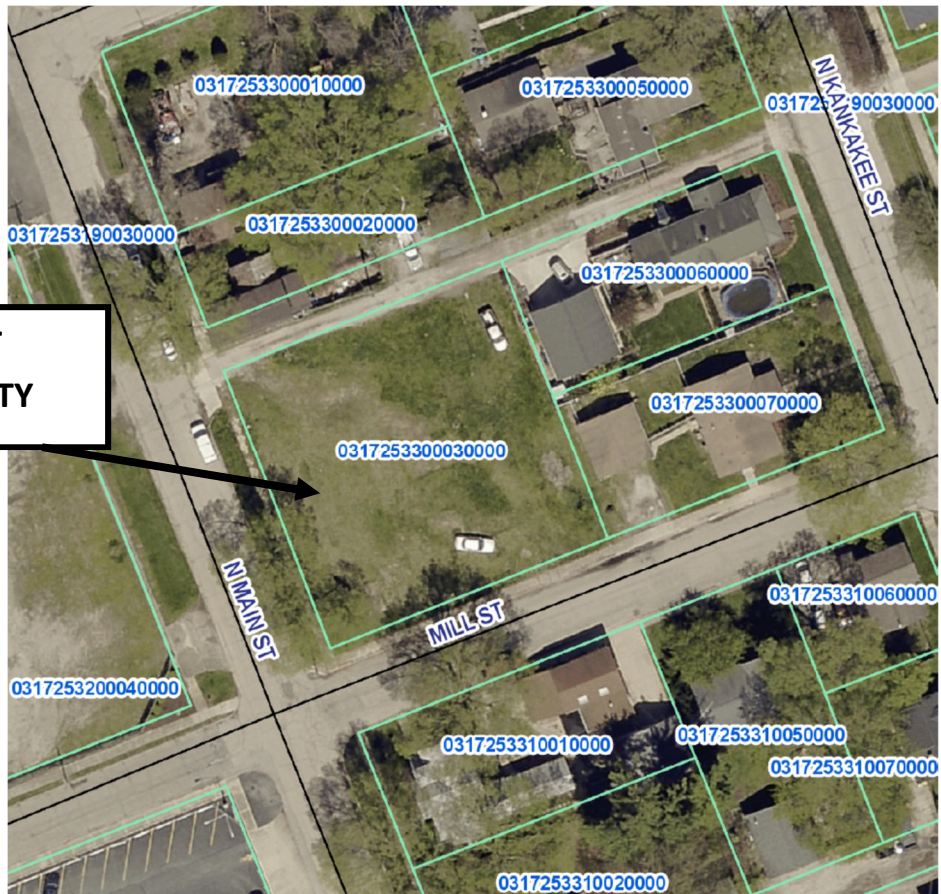
The property is currently zoned B2 Light Commercial District. The proposed restaurant use is a permitted use in the B2 District.

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





**SUBJECT  
PROPERTY**



**SUBJECT  
PROPERTY**



**Ruettiger, Tonelli & Associates, Inc.**

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

## **Plan Review and Analysis**

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

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

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

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

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

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

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

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

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



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

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

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

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

### **Recommended Actions**

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

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

