



**City of Wilmington
Planning & Zoning Commission
Thursday, February 2, 2017 at 5:00 p.m.**

Location & Time

Council Chamber
Wilmington City Hall
1165 S. Water Street
5:00 p.m. 02/02/17

**Planning & Zoning
Commission Members**

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

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the January 5, 2017 Meeting Minutes
5. Public Hearing
Annexation & Rezoning R2 (County) to I2 (City)
Location: West of RT 53 on south side of Stripmine Road
Petitioner: Castillo, Barney
PIN: 03-17-35-100-003-0000
6. Commissions Review, Approval & Recommendation on Annexation and Zoning request by petitioner, Castillo, Barney
7. Review & Approve 2017 City of Wilmington Zoning Map
8. Citizenø Comment
9. Adjournment

DRAFT

Minutes to the City of Wilmington
Planning and Zoning Commission Meeting
Wilmington City Hall
1165 South Water Street
Thursday, January 5, 2017 at 5:00 PM

Call to Order

The January 5, 2017 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:00 p.m. by Deputy City Clerk Joie Ziller in the Council Chambers of the Wilmington City Hall.

Roll Call

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

Commissioners Clennon, Tryner, Wysocki, Smith, Humphries, Jones

Commissioners Absent

Kulpa

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 the Interim City Administrator Frank Koehler, City Planner Carrie Hansen of Schoppe Design Associates, Inc., City Engineer Colby Zemaitis and Deputy City Clerk Joie Ziller

Elect Pro-Tem Chairman

Commissioner Clennon made a motion and Commissioner Tryner seconded to elect Commissioner Bryan Humphries as Chairman of tonight meeting.

Upon roll call, the vote was:

AYES: 6 Clennon, Tryner, Wysocki, Smith, Humphries, Jones

NAYS: 0

The motion carried.

Approval of Minutes

Commissioner Jones made a motion and Commissioner Smith seconded to approve the October 20, 2016 Planning & Zoning meeting minutes as written and have them placed on file.

Upon roll call, the vote was:

AYES: 6 Clennon, Tryner, Wysocki, Smith, Humphries, Jones

NAYS: 0

The motion carried.

DRAFT

Will County Historic Preservation Commission Historic Landmark Nomination – 114 N. Main Street, Wilmington (Old City Hall)

Janine Wilkosz of the Will County Historic Preserve presented the Commission nomination packet for the Old City Hall located at 114 N. Main Street a two-story brick building built in 1879. The nomination packet will be attached to the approved minutes from this meeting for future reference.

After some discussion, the Commission made the following motion:

Commissioner Tryner made a motion and Commissioner Wysocki seconded to recommend to City Council that they provide its consent and authority for the building to be designated a county landmark as pass an ordinance for such at their January 17, 2017 City Council meeting.

Upon roll call, the vote was:

AYES: 6 Clennon, Tryner, Wysocki, Smith, Humphries, Jones

NAYS: 0

The motion carried.

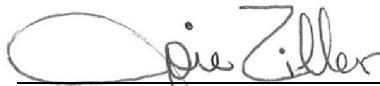
Review IDNR response regarding proposed Castillo Property Annexation and Rezoning

As a follow up from the August 4, 2016 public hearing the IDNR presented the City with their letter of recommendations for the proposed Castillo property annexation/rezoning. The Commission reviewed the letter date December 13, 2016 and this letter will be attached to the approved minutes for future reference. Mr. Castillo did reassure the Commission that if annexed into the City he would comply with all recommendations made within the IDNR letter and would submit a letter to the City indicating such. The Commission would like to be able to review the annexation agreement at their next scheduled meeting to be assured that the recommendations made by the City and IDNR are being followed. At the February 2, 2017 P&Z meeting there will be a public hearing for zoning and annexation of the Castillo property located on Stripmine Road.

Adjournment

Motion to adjourn the meeting made by Commissioner Clennon and seconded by Commissioner Smith. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on January 5, 2017 adjourned at 5:43 p.m.

Respectfully submitted,



Joie Ziller
Deputy City Clerk

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS .} Ss.
County of Will,

I, **Janet M. Fisher** do hereby certify that **Eric D. Fisher** the publisher of the **The Free Press Advocate** now and has been for more than six months prior to the publication of this notice hereto annexed, a weekly news of general circulation, printed and published in the city of **Wilmington** in said County, and that said advertisement or notice relating to the matter of:

City of Wilmington, Planning & Zoning Commission consider Castillo Annexation, etc.

Planning and Zoning Commission to consider Castillo annexation

PUBLIC NOTICE

Notice of Public Hearing

Planning and Zoning Commission of the City of Wilmington, IL

Notice is hereby given that on February 2, 2017 at 5:00 p.m., a Public Hearing will be held by the Planning & Zoning Commission of the City of Wilmington at the City Hall located at 1165 S. Water Street, Wilmington, IL., for the purpose of receiving and considering testimony and public comment on the request of petitioner, Barney Castillo in regards to the annexation, along with rezoning to I2-Light Industrial, to the City of Wilmington, Illinois of property comprising of 2.3 acres generally located on the south side of Stripmine generally described as follows:
 THE NW1/4 SEC 35 T33N-R9E THAT IS W OF THE RAILROAD (EX THE N 327 FT MEASRD AT RT ANGL FROM THE N LN OF SD SEC OF THE W 400 FT OF THE E 1510 FT OF THE NW1/4) & (EX THAT PRT PF THE NW1/4 LYG NW OF THE NW ROW LN OF THE GM&O RR (EX THE N 327 FT AS MEASRD AR RIGHT ANG FROM THE N LN OF SD SEC OF THE W 714 FT OF THE E 1824 FT OF THE NW1/4 SEC 35) PER R74-10755).
 PIN: 03-17-35-100-003-000

All persons interested in attending are invited to do so and will be given an opportunity to be heard. Additional information on such a request can be obtained from the City of Wilmington Zoning Administrator at 1165 S. Water Street, Wilmington, IL 1-815-476-2175. By order of the Corporate Authorities of the City of Wilmington, Will County, Illinois.
 Published in the Free Press Advocate on Wednesday, Jan. 18, 2017.

has been published in said paper every week, one time
consecutively of the issues commencing January 18 A.D. 2017,
ending January 18 A.D. 2017, which are the dates of the first and last papers containing the same.

Given under my hand this 18th day of January A.D. 2017,

Printer's Fee \$ 48.40

Paid 20

By:

Eric D. Fisher

Eric D. Fisher

Publisher

Janet M. Fisher

"OFFICIAL S.F.A.I."
Janet M. Fisher
Notary Public, State of Illinois
My Commission Expires 12-15-20



Land Use Petition
City of Wilmington, Illinois

Petitioner: Barney Castillo
Address: 1101 W. Division St.
City: Braceville State: IL Zip: 60407
Phone No.: 815-739-1607 Fax No.: Email: dmello1@hotmail.com

- 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: Couple blocks W of Rt. 53 on South side Strip Mine Rd.
Size of Property: 2.3 Acres (314' x 327') Tax Parcel No.: 03-17-35-100-003-0000

The following documents have been attached:

- Legal Description, List of Adjacent Property Owners, Preliminary Plat, Preliminary Plan, Impact Fee Form, Plat of Survey, Site Plan, Final Plat, Final Plan, 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 R2 to I2 County, Conditional Use, Variance, 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. \$150 (fee) (initial here)

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).

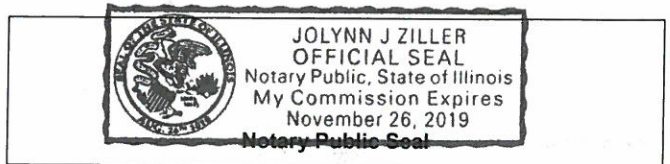
I am requesting the City of Wilmington to annex my property and allow it to be re-zoned to I-2. This is so I can have outside storage to park my equipment for my landscape company. This will include my 2 containers and pickups.

Number of Dwelling Units, Proposed Time Schedule for Development, Requested Variances, Type of Units, Square Footage, JUN 16 2016, 4017, 4048

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.

State of Illinois, County of Will, 6/16/16, Barney Castillo, Signature of Petitioner



I, the undersigned, a notary public in and for the said county and state aforesaid, do hereby that Barney Castillo 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: Jolynn J Ziller, My Commission Expires: 11/26/2019

Given under my hand and notary seal this 16 day of June, A.D. 2016

RECEIVED

MAY 23 '16

CITY OF WILMINGTON

I have a piece of property on W Strip Mine Rd., Wilmington, about 1 block west of the railroad tracks and Davy Lane. I am asking if the City of Wilmington will annex this property and then re-zone it as I-2, Light Industrial.

I have a gravel parking area that I would like to use as outdoor storage to park my landscaping equipment and trucks on. It would also be used for the storage of some supplies. I provide residential landscape services and don't use this as a retail business.

I am in the process of putting a dirt berm, that will be at least 8 feet, across the face of the property to screen it from public view. The other sides cannot be seen by the public due to natural woods.

I would like to keep my 2 cargo containers for tool storage. They are placed on an elevated gravel base and have recently been painted a nice brown to blend in with the natural surroundings.

I have attached 2 pictures to show my gravel parking area and equipment as it looks and a picture of the containers on their elevated gravel base.

Thank you for considering this proposal.

Barney Castillo

Parking area for storage of landscape equipment, trucks, supplies



RECEIVED
MAY 23 '18
CITY OF WILMINGTON

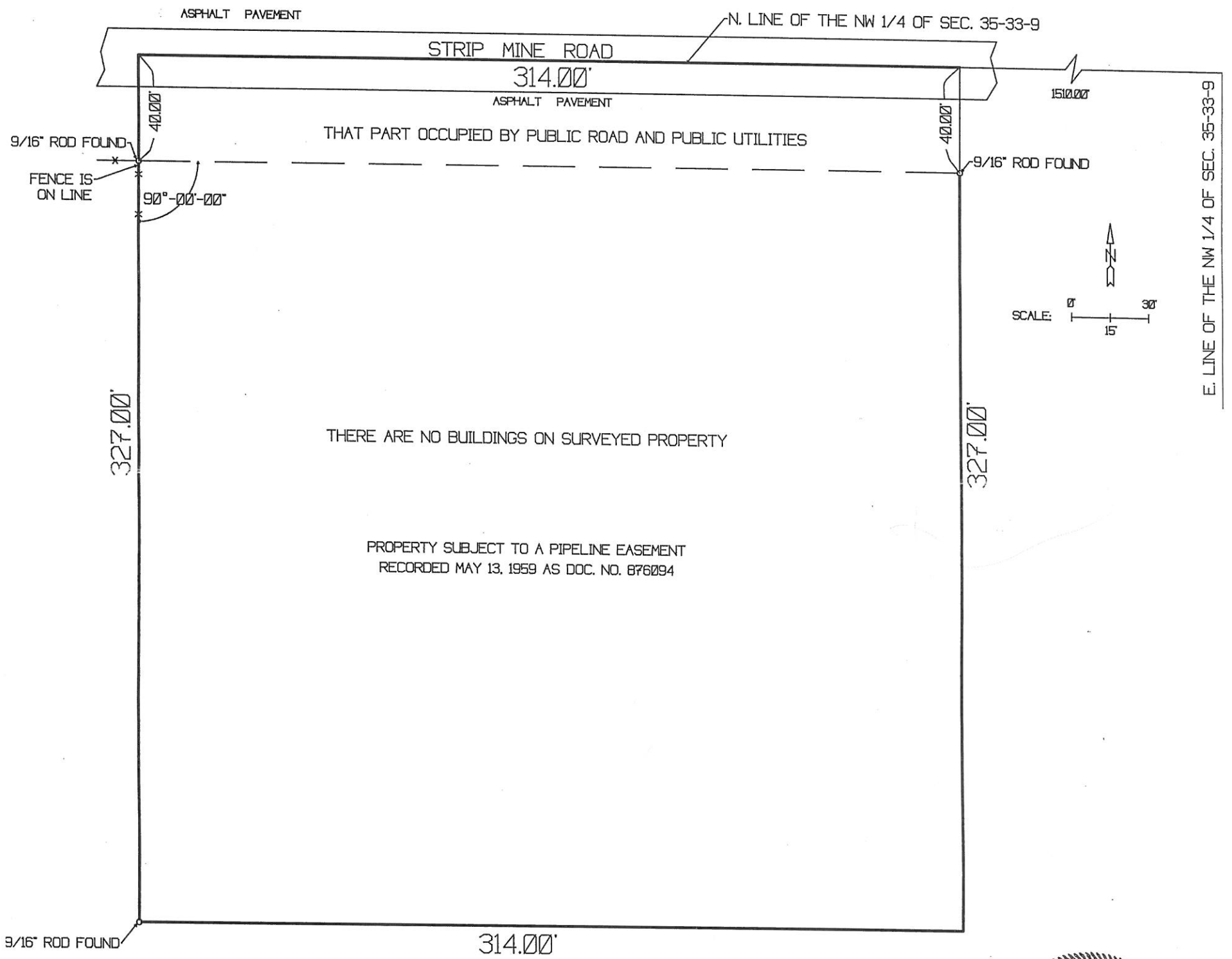
Painted containers on elevated gravel base

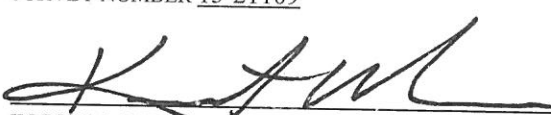


PLAT OF SURVEY

THE NORTH 327 FEET (MEASURED AT A RIGHT ANGLE FROM THE NORTH LINE OF SAID SECTION) OF THE WEST 714 FEET (EXCEPT THE EAST 400 FEET OF THE EAST 1824 FEET) OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS

W. STRIPMINE ROAD
WILMINGTON, IL



<p>COMMUNITY SURVEY INC. 68 N. CHICAGO STREET, SUITE 218 JOLIET, IL 60432</p> <p>(815) 722-9005 (815) 722-9019 - fax</p> <p>DESIGN FIRM NO. 184-002899 CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY. COMPARE POINTS BEFORE BUILDING.</p>	<p>WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE SURVEYED FOR JOHN TRYNER UNDER MY HAND AND SEAL THIS 25TH DAY OF JUNE 2015.</p> <p>FIELD WORK 6/24/2015 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEY NUMBER 15-21109</p> <p> ILLINOIS LAND SURVEYOR NO. 3701 EXPIRES 11/30/2016</p>
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Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

December 13, 2016

Mr. Colby Zemaitis
City of Wilmington
1165 S. Water Street.
Wilmington, IL 60481

**RE: Castillo Property Annexation and Rezoning, Wilmington, Will County
Endangered Species Consultation Program
EcoCAT Review #1703400**

Dear Mr. Zemaitas:

The Department received this proposed action for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11]; the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17]; and Title 17 *Illinois Administrative Code* Part 1075. Additionally, the Department may offer advice and recommendations for species covered under the *Fish & Aquatic Life Code* [515 ILCS 5, *et seq.*]; the *Illinois Wildlife Code* [520 ILCS 5, *et seq.*]; and the *Herpiles-Herps Act* [510 ILCS 69].

Thank you for the additional information you provided by e-mail on October 11, 2016, pertaining to the proposed action.

The unincorporated Castillo parcel lies entirely within the Hitts Siding Prairie Illinois Natural Areas Inventory (INAI) Site, and is bounded to the south and west by the 300-acre Hitts Siding Prairie Nature Preserve, a property owned and managed by the Illinois Department of Natural Resources, which contains high-quality natural communities (mesic prairie, mesic sand prairie, wet mesic prairie, and tallgrass prairie), provides essential habitat for at least six State-listed endangered or threatened species, and enjoys the highest level of land/resource protection available under Illinois laws.

The *Illinois Natural Areas Preservation Act*, Section 17, directs a local government “to evaluate, through a process of consultation with the Department, whether the actions, including capital projects, that are authorized, funded, or carried out by the agency of State or local government

are likely to result in the destruction or adverse modification of any natural area that is registered under this Act or identified in the Illinois Natural Areas Inventory.”

Further: *“The evaluation shall be conducted early in the planning of a proposed action. If the proposed action is found likely to have an adverse impact on a natural area, the agency shall study the proposed action to determine possible methods of eliminating or mitigating the adverse impact. Before implementing any action, the agency shall attempt to mitigate or eliminate any adverse impacts in a manner consistent with the planned action.”* 525 ILCS 30/17.

The Department believes the proposed annexation/rezoning and proposed use is likely to jeopardize the essential habitats for six State-listed threatened or endangered species or cause adverse modification of the Natural Area because of: (a) potential disturbance of the nesting grounds of threatened or endangered turtles which may exist on the parcel; (b) potential spills and seepage of lawn chemicals into the wetlands on the Castillo parcel and into the adjacent Nature Preserve which would adversely alter the water quality which occurs on that property and within the Nature Preserve; and (c) storing lawn waste on the Castillo property poses the potential introduction of invasive and non-native plants into the adjacent Nature Preserve.

Pursuant to the administrative rules for the Consultation Procedure, Section 1075.40(f), the Department offers the following recommendations, which may minimize or avoid the adverse impacts of the proposal.

As noted earlier, the entire parcel under consideration lies within the Hitts Siding Prairie Illinois Natural Areas Inventory (INAI) Site, which provides essential habitat for the endangered Blanding’s Turtle, the threatened Ornate Box Turtle, and the endangered Eryngium Stem-Borer Moth. All three are definitely present inside the Nature Preserve and may be present within the Castillo parcel, whose physical features contain appropriate habitat elements.

On June 23, 2016, IDNR personnel visited the parcel and found the Natural Area had already been adversely modified. Mixed in a pile of soil and debris, IDNR discovered broken turtle eggs, which were collected and subsequently submitted to a laboratory for DNA analysis to identify which species produced them. The context in which these eggshells were found appears to be the result of unauthorized grading activities on the parcel to construct the gravel parking area. The DNA analysis determined the eggs were those of the **Common Snapping Turtle**, *Chelydra serpentina*, which is not protected as an endangered or threatened species.

However, their presence is proof that turtles used the unmodified parcel as a nesting ground before the petitioner’s disturbance of the site. The petitioner’s creation of the gravel parking area, by increasing solar exposure and creating a favorable thermal environment, actually increases the probability listed species of turtle will nest on the parcel in the future. All turtles prefer sunny locations for their nests, and the Ornate Box Turtle is noted for its tendency to nest

on or near roads and trails.¹ The Blanding's Turtle often nests on road shoulders and in railroad ballast. Thus the gravel parking area may be an enticing location for nesting.

The proposed use of the parcel poses a significant risk that the activities of the petitioner and his employees could result in the prohibited taking of endangered or threatened species.

Recommendation #1: As a condition of approval, the City should consider requiring the petitioner to develop a policy and procedure to train employees to recognize these endangered species, to avoid handling them, and to report them to the Department when observed. In doing so, the petitioner may determine it would be beneficial to seek and to obtain from the Department of Natural Resources an Incidental Take Authorization pursuant to Part 1080 of the Department's Administrative Rules and Section 5.5 of the *Illinois Endangered Species Protection Act*. Such an Authorization would relieve the petitioner of potential liability under that statute, so long as the terms of the Authorization are observed.

Recommendation #2: The Department recommends the City require the storage and handling of lawn chemicals (fertilizers and pesticides) to occur on a paved or impermeable surface protected from the weather, so that any spilled or leaching chemicals can be prevented from entering surface or ground water, and be easily cleaned-up.

The requested storage of pesticides on the parcel raises the possibility of spills which expose endangered species to high concentrations of these chemicals. Throughout Northeastern Illinois, turtle hatchlings have displayed physical deformities attributed, in part, to the exposure of adult females during gestation to anthropogenic chemicals released into the environment.

Wetlands on the Castillo property extend into the Nature Preserve; any alterations of the hydrology or water quality which occur on that property will have adverse consequences within the Nature Preserve. The soils on the site are highly permeable. Any spills of dry or liquid chemicals will be difficult or impossible to clean up or remove. Over time, accidental spills are nearly certain to occur even with strong precautions. The isolated location increases the chance of theft or vandalism resulting in chemical spills.

While the existing cargo containers may protect chemicals from the weather, the gravel working surface cannot prevent the movement of spilled chemicals into the soil and will render adequate clean-up difficult. The best way to avoid the migration of chemicals is to provide an impermeable surface under a roof.

Recommendation #3: The City should prohibit the temporary storage, composting, or permanent disposal of landscaping waste on the property. A less-effective measure would be to require such materials to be covered at all times.

The petitioner will be providing landscaping services to clients across a wide area and is likely to work with or collect landscaping waste containing the seeds and viable vegetative parts of

¹ Research on a Western Illinois natural area found that 50% of Ornate Box Turtle nests were on or next to the only roadway through the site.

numerous non-native and invasive plants. Even the temporary storage of these wastes on this parcel may result in their introduction into the Nature Preserve.

Recommendation #4: The City should prohibit the washing or cleaning of landscaping equipment on the property.

The seeds of non-native and invasive plants are often introduced to new sites on tires and machine parts which have not been adequately cleaned; cleaning them on this parcel is virtually certain to introduce such plants to the Nature Preserve, requiring costly remedial action on the part of the Department of Natural Resources at a time when the State's financial resources are restricted.

Recommendation #5: The City should impose a wetland buffer zone and filter strip.

Currently, little or no buffer exists between the on-site wetlands and the petitioner's activities. This promotes soil erosion and the movement of sediments from the parking area directly into the wetlands. While space on the parcel may be limited, there is adequate room to establish a vegetative filter strip between the wetlands and the parking area to abate sedimentation and water quality degradation due to water movement over the slope into the wetland.

Recommendation #6: The City should impose a buffer yard on the edges of the parcel facing the Nature Preserve.

If the requested use is permitted, a buffer yard should be established to protect the boundaries of the Nature Preserve from incursion. A minimum width of ten feet should be imposed, but 15 or 20 feet would offer more protection to the Nature Preserve. The petitioner should be required to maintain the buffer yard free of non-native invasive species of plants, as well as plants classified as noxious (poison ivy).

The Department's consultation with the City of Wilmington is mandated by State laws and is separate and distinct from any other authority, mission, or purpose of the Department. The conclusion of the consultation process will in no way modify or affect any other rights or prerogatives of the Department which derive from the ownership of real estate within the City of Wilmington.

Consultation on the part of the Department is closed, unless the City desires additional information or advice related to this proposal. In accordance with 17 Ill. Adm. Code 1075.40(h), the City should notify the Department of its disposition of these recommendations: whether it will proceed with the action as proposed; whether it will require modification of the proposed action; or whether it will forego the proposed action.

This consultation is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations. Also, note that closure of consultation does not imply IDNR's authorization or endorsement of the proposed action. Please contact me if you have questions regarding this review.

Should you have any questions about this request for information or the consultation process, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Keith M. Shank". The signature is written in a cursive, slightly slanted style.

Keith M. Shank, Acting Chief
Impact Assessment Section
Division of Ecosystems and Environment
keith.shank@illinois.gov
(217) 785-4984

cc: Mr. Barney Castillo
Valerie Njapa, Illinois Nature Preserves Commission

Applicant: Brian Holland
Contact: Barney Castillo
Address: 8300 42nd Street
Rock Island, IL 61201

IDNR Project Number: 1703400
Date: 10/04/2016
Alternate Number: 1703050

Project: Castillo Property
Address: West Strip Mine Rd., Wilmington

Description: I am requesting the City of Wilmington to annex my property and allow it to be re-zoned from R-2 (Residential) to I-2 (Light Industrial). This is so I can have outside storage for parking my landscape equipment, 2 storage containers and some pallets of pavers.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

- Hitts Siding Prairie INAI Site
- Kankakee River INAI Site
- Hitts Siding Prairie Nature Preserve
- Blanding's Turtle (*Emydoidea blandingii*)
- Blanding's Turtle (*Emydoidea blandingii*)
- Eryngium Stem Borer (*Papaipema eryngii*)
- Grass Pink Orchid (*Calopogon tuberosus*)
- Northern Long-Eared Myotis (*Myotis septentrionalis*)
- Northern Panic Grass (*Dichanthelium boreale*)
- Oklahoma Grass Pink Orchid (*Calopogon oklahomensis*)
- Ornate Box Turtle (*Terrapene ornata*)

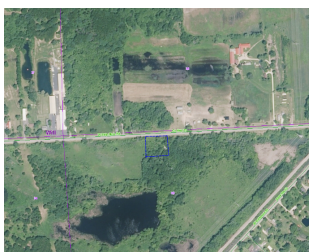
An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Will

Township, Range, Section:
33N, 9E, 35



**IL Department of Natural Resources
Contact**
Keith Shank
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
City of Wilmington
Colby Zemaitis, PE, CFM
1165 S. Water St.
Wilmington, Illinois 60481

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

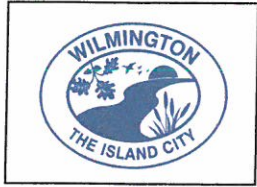
Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



MEMORANDUM

TO: Members, Wilmington Planning Commission
FR: Frank Koehler, Interim City Administrator
DT: Friday, January 27th, 2017
RE: **CASTILLO ANNEXATION**

The Castillo family owns certain property located on the south side of Strip Mine Road west of its intersection with Baltimore Street. They are seeking to annex the property into the City to allow for the continuance of an outside storage area associated with their landscaping business. The current use is not permitted under applicable county zoning regulations which prevail as the property is unincorporated.

As part of their annexation request, they have requested I-2 zoning to allow for the current uses. Under the City of Wilmington's Comprehensive Plan, dated 2008, the property is earmarked for open space. The I-2 zoning would be inconsistent with this requested land use. In fact, it could be considered spot zoning as no other I-2 zoned property is adjacent to or in the immediate vicinity of the subject property. On the north side of the street, which is unincorporated, the comprehensive plan suggests commercial uses. At present, there is a smattering of residential, agricultural and commercial uses in this area.

The Castillo property is in an environmentally sensitive area, as it is within the Hitts Siding Prairie Illinois National Areas Inventory (INAI) site. This necessitated a review by the Illinois Department of Natural Resources (IDNR) as to the efficacy of having the proposed use on this property. The IDNR, after a careful review, did not preclude the use, but did provide a series of recommendations as far as limiting the use of the property. The Castillo's have agreed to the recommendations as furthered by IDNR.

The challenge to the City is to (A) approve the annexation of the property as requested and if so then (B) to determine the zoning most appropriate for the use.

Under zoning protocol, municipalities are not allowed to enter into side agreements relaxing or modifying zoning regulations for a specific property. This is what is called CONTRACT ZONING. However, under procedures for annexation agreements, which are in fact a contract between a municipality and a property owner, conditions and limitations can be included within an agreement, notwithstanding the overlying zoning. To this end, should the City be desirous of having the intended use on the property, there are options.

One would be zoning. Under zoning provisions, land comes into a municipality at the most restrictive classification. In this case, the property would come into the City at R-1 single family. In so far as open space is an allowable use under R-1 standards, this would, on paper, be more consistent with the comprehensive plan as opposed to having I-2 zoning in the area.

The City could restrict or limit the time period for which the existing activity is permitted, such that the proposed use could be allowed to remain so long as the business was operated by the Castillo's and the property was owned by them. At the expiration of the business, or upon sale of the property, any future use would have to be consistent with the R-1 zoning.

Finally, in so far as the Castillo's have agreed to all of the limitations as recommended by IDNR, this should be incorporated into and made a part of any annexation agreement with the City.

The role of the Plan Commission, with respect to annexations, is to render a recommendation as to land use and zoning. To this end, the Commission would need to recommend an appropriate zoning classification. The recommended zoning in this case would be R-1 Single Family. Furthering the proposed use of the property as requested by the Castillo's would require a more detailed agreement with conditions noted above, which would be formalized by the City Council in the approval of any subsequent annexation agreement.

I trust this is of help to you.



Frank Koehler <fkoehler@wilmington-il.com>

Response to IDNR Report

1 message

Barney Castillo <casto.4@outlook.com>

Tue, Jan 17, 2017 at 4:19 PM

To: "fkoehler@wilmington-il.com" <fkoehler@wilmington-il.com>

Cc: Colby Zemaitis <czemaitis@wilmington-il.com>, Barney Castillo <casto.4@outlook.com>

Hello Frank,

I went over the recommendations from the Illinois Department of Natural Resources report. (copy of report attached). Please note my responses below to the 6 recommendations.

Recommendation #1: As a condition of approval, the City should consider requiring the petitioner to develop a policy and procedure to train employees to recognize these endangered species, to avoid handling them, and to report them to the Department when observed.

We will develop a policy and procedure to train our employees to recognize these endangered species, to avoid handling them, and to report them to the Department when they are observed.

Recommendation #2: The Department recommends the City require the storage and handling of lawn chemicals (fertilizers and pesticides) to occur on a paved or impermeable surface protected from the weather, so that any spilled or leaching chemicals can be prevented from entering surface or ground water, and be easily cleaned-up.

All fertilizers and pesticides are stored and contained on an impermeable surface protected from the weather. This is a completely sealed and enclosed 8' x 40' steel container. The fertilizers and pesticides we use are designed for home and garden use.

Recommendation #3: The City should prohibit the temporary storage, composting, or permanent disposal of landscaping waste on the property.

We dispose of landscaping debris off site or in an on site dumpster. We do not do mowing or have any lawn clippings.

Recommendation #4: The City should prohibit the washing or cleaning of landscaping equipment on the property.

We clean our landscaping equipment at a facility off site. We have no water available on site.

Recommendation #5: The City should impose a wetland buffer zone and filter strip.

We will keep a 10' vegetative buffer zone and filter strip between the wetlands and the parking area.

Recommendation #6: The City should impose a buffer yard on the edges of the parcel facing the Nature Preserve.

We propose to install a buffer on the west edge of the parcel facing the Nature Preserve. The buffer will be a berm of dirt at least 10' wide with vegetation. A silt fence will be installed at the base of the berm 5' from the lot line. This will create a minimum buffer zone of 15'. The majority of the south edge of the parcel is wetlands.

Thank you.

Barney Castillo

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